

stripped billionaire Carl Icahn of his license to operate the defunct Trump Taj Mahal hotel and casino.

TRANSPORTATION & INFRASTRUCTURE

NJ Pushes Bill To Bar Port Authority From Aiding Travel Ban

New Jersey state legislators moved ahead Monday with a bill that would bar the Port Authority of New York and New Jersey from using any of its resources to implement President Donald J. Trump's executive order that called for a travel ban from seven predominantly Muslim countries.

DOT Overstepped With Rail Safety Order, DC Circ. Told

The U.S. Department of Transportation overstepped its authority when it issued an August 2016 order imposing new safety oversight and enforcement obligations on state entities that oversee intercity passenger rail service without proper public notice and comment, a pair of agencies told the D.C. Circuit.

DC Circ. Asked To Review Deal To Close Santa Monica Airport

General aviation groups asked the D.C. Circuit on Monday to review a settlement between the Federal Aviation Administration and Santa Monica, California, in their yearslong land title dispute over control of the Santa Monica Airport, saying the deal wrongfully allows the city to close the airport by 2029.

REAL ESTATE

San Francisco Urges 9th Circ. To Revive Rental Law Dispute

An attorney for San Francisco told the Ninth Circuit Thursday that a lower court was wrong to invalidate a since-revised housing law that forced landlords to pay massive sums to

tenants before taking their property off the market, telling a judge the ruling has hurt the city's ability to legislate future rent control measures.

EMPLOYMENT

Review Of NLRB Precedents In Order, House Panel Hears

Management and union lawyers clashed over the National Labor Relations Board at a U.S. House hearing Tuesday, with a Hunton & Williams LLP labor attorney saying the board needs to reconsider its Obama-era expansion of the joint employment standard and sped-up union elections and a labor lawyer testifying that criticism of recent agency actions is part of an effort to delegitimize unions.

Trump Blasts Media Co.'s Bid To Unseal 1998 Labor Deal

The Trump Organization Inc. and President Donald Trump slammed a bid by Time Inc. and The Reporters Committee for Freedom of the Press to unseal settlement documents that resolved Trump's 1998 dispute with a labor union, telling the Second Circuit that neither the First Amendment nor the common law right of access applies here.

Doctors, Int'l Science Org Back OSHA In Silica Rule Fight

An international scientific organization and an organization of occupation and environmental medical physicians have come out in support of the Occupational Safety and Health Administration's new rules on worker exposure to silica dust in several industries, telling the D.C. Circuit the regulations would reduce health impairments.

Ill. Gov. Sues To Block Employee Pay Cutoff Motion

The night before Gov. Bruce Rauner's annual budget address, Rauner late Tuesday filed an opposition to Illinois Attorney General Lisa

Madigan's motion to halt state worker pay amid Illinois' unprecedented budget crisis, urging a state judge to reject Madigan's "invitation to create an artificial emergency."

LGBT Groups Urge Trump To Keep Trans Student Policies

Four LGBT advocacy groups urged the Trump administration on Monday to preserve an Obama administration directive that public school students be allowed to use the restroom that matches their gender identity, saying it helps protect some of the nation's most vulnerable students.

PRIVACY & CONSUMER PROTECTION

USDA Recommends California Milk For Federal Pricing Order

California dairy producers who say they face an unfair marketplace disadvantage are moving closer to joining the U.S. Department of Agriculture's purchasing guidelines, with the USDA on Tuesday recommending that the state join the federal pricing system.

Cruz, Fellow Texan Unveil Bills To Kill CFPB

Texas lawmakers Sen. Ted Cruz and Rep. John Ratcliffe on Tuesday introduced legislation that would eliminate the Consumer Financial Protection Bureau as pressure mounts within Congress and the Trump administration on the federal consumer finance watchdog.

NC Gov. Floats New Plan For Bathroom Bill Repeal

North Carolina Gov. Roy Cooper on Tuesday offered his latest proposal for nixing the state's infamous law requiring transgender people to use public bathrooms and other facilities that correspond to the sex on their birth certificates, a plan that includes tougher penalties for crimes that occur in restrooms.

PRODUCT LIABILITY

Calif. State Senator Introduces Sugary Drink Labeling Bill

A California state senator has again proposed a bill that would require sugary beverages sold in the state to include health warning labels cautioning about the risk of obesity, diabetes and tooth decay, his office said Monday.

GOVERNMENT CONTRACTS

Lawmaker Tries To Block L-3's \$418M Aircraft Sale To Kenya

A GOP congressman proposed a resolution Tuesday to pump the brakes on L-3's \$418 million foreign military sale of border patrol aircraft to the Kenyan government, saying the sole-source contract unfairly excluded a competitor in his district and may have resulted from foul play.

INTERNATIONAL TRADE

Treasury Sanctions Venezuelan VP For Drug Trafficking Aid

The U.S. government has sanctioned Venezuela's second-in-command pursuant to the Foreign Narcotics Kingpin Designation Act for allegedly aiding international drug traffickers, the U.S. Department of the Treasury said in a statement Monday.

TAX

Ways and Means Chair Won't Seek Trump's Tax Returns

The Republican chairman of the House Ways and Means Committee announced on Monday that he would not demand to see President Donald Trump's tax returns, rejecting a bid from a Democratic lawmaker to seek review of the documents, according to media reports.

IRS Tax Certification Hurts CPAs, AICPA Tells Fed Circ.

An accounting trade group told the D.C. Circuit that a federal court erred in rejecting its challenge to a voluntary certification program for unlicensed tax return preparers, wrongly finding that its argument is not covered by the relevant law.

Taxpayers Lose Appeal For Equity On Foreclosed Properties

A group of taxpayers fighting to get the excess proceeds of sales after their properties were foreclosed by a Michigan county were dealt a second blow when a Sixth Circuit panel found that the lower court that ruled against them lacked jurisdiction in their case after all.

IMMIGRATION

Syrian Refugee Sues Trump Over Asylum Suspension

A Syrian man granted U.S. asylum after being tortured and targeted by radical fighters sued the federal government on Monday for halting, in response to President Donald Trump's immigration ban, a derivative asylum petition that could help his wife and child similarly escape the violence.

Trump Immigration Ban Blocked In Virginia

A Virginia federal judge on Monday blocked the government from enforcing the immigration ban on individuals from seven predominantly Muslim countries against people with ties to the Old Dominion, finding there is a likelihood that Virginia will win when it comes to its Establishment Clause claim.

NATIVE AMERICAN

BIA Asks 9th. Circ. To Nix Injunction In Contract Row

The Bureau of Indian Affairs urged the Ninth Circuit on Friday to undo a ruling that blocks the agency from approving contracts for two tribes that share a reservation in Wyoming but lack a

confederated government without receiving consent from both, saying it has already committed to doing so.

House OKs Bill Letting Texas, Okla. Set Red River Land Fate

Texas and Oklahoma could soon determine their own borders — and the fate of 30,000 acres claimed as federal land — if the Senate takes up a bill the House passed Tuesday to mandate the federal government accept a survey of the Red River commissioned by the states.

TELECOMMUNICATIONS

Reps Urge FCC To Undo Lifeline Eligibility Reversal

Several dozen House representatives urged Federal Communications Commission Chairman Ajit Pai on Monday to reconsider his decision to strip nine companies of eligibility to provide broadband service under the Lifeline program for low-income users, saying the move will hurt poor children and widen the digital divide.

Trade Group Asks FCC For More Broadband Build-Out Funds

The United States Telecom Association asked the Federal Communications Commission on Monday to increase funding levels for a broadband build-out support mechanism, saying that the priority of using it to deploy broadband in rural America means more funding is needed.

EXPERT ANALYSIS

Trump, Lockheed And The Art Of The Government Deal

President Donald Trump has made his federal procurement debut, announcing two weeks ago that Lockheed Martin agreed to cut \$600 million from its next production lot of F-35 Joint Strike Fighter planes. His tweets and negotiations

raise a slew of questions on how these tactics fit into the densely regulated field of government contracts, say attorneys with Pepper Hamilton LLP.

Overcoming Obstacles To Financial Reform And Deregulation

Creating a list of industry-endorsed reforms is perhaps the easiest task to complete when attempting to ease financial regulatory burdens. However, sorting through and identifying realistic, achievable regulatory reforms at the agency level will prove much more difficult and vexing because of the complexity of current agency interconnectivity, says Joseph Lynyak III of Dorsey & Whitney LLP.

Gorsuch May Further Tip Balance Against Deference To EPA

From an environmental law perspective, Judge Neil Gorsuch has shown a willingness to reassess Chevron deference to an agency's interpretation of the statutes it implements. If confirmed to the U.S. Supreme Court, he could fan further interest in revisiting Chevron deference at a time when the court is actively considering what deference is due an agency when it interprets its own regulations, say attorneys with Bracewell LLP.

FERC Could See Substantial Changes Under President Trump

The Federal Energy Regulatory Commission oversees electric utilities and gas pipelines that account for about 4 percent of the U.S. gross national product. So the impact of FERC policy shifts can be significant. Under the Trump administration, FERC could revisit its stances on market manipulation, net metering and other key issues, say John Estes III and Timothy Mastrogiacomo of Skadden Arps Slate Meagher & Flom LLP.

LEGAL INDUSTRY

Analysis

Firm Leaders' Bullish View On Demand Met With Skepticism

Law firm leaders believe 2017 could be the year the sector reverses the tide of stagnant demand it has been plagued by in recent years, a January report found. Here, industry experts examine how realistic those predictions are and what factors could kick-start billable hours.

Akin Gump's Profits Per Partner Jumped Nearly 10% In 2016

Akin Gump Strauss Hauer & Feld LLP's global profits per partner jumped by 9.6 percent between 2015 and 2016, surpassing \$2 million each, the firm said Tuesday.

Banks Lavished Dewey With High Debt Offers, Jury Hears

A Wells Fargo executive on Tuesday told jurors in the second trial of former leaders of Dewey & LeBoeuf LLP of internal concerns at the bank over the amount of debt the law firm was taking on in the early years after its inception, while juror problems continued to plague the proceeding.

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Thursday, February 16, 2017



TOP NEWS

Analysis

Next Solicitor General Can Expect Tough Road Under Trump

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Puzder Out Of Running For Labor Secretary

Fast-food executive Andrew Puzder took himself out of consideration Wednesday to serve as President Donald Trump's labor secretary one day before his scheduled confirmation hearing as reports circulated that he lacked enough support from Senate Republicans.

LAW FIRMS

Akerman
Arent Fox
Arnold & Porter Kaye Scholer
Boies Schiller
Brownstein Hyatt
Chiesa Shahinian
Cooper & Kirk
Covington & Burling
Davis Wright Tremaine
Debevoise & Plimpton
Denton Navarro
Dentons
Dickinson Wright
Earthjustice
Epstein Becker Green
Faegre Baker
Foley & Lardner
Fowler White Burnett
Frost Brown Todd

House Republicans Announce Their Own ACA Replacement

The conservative U.S. House Freedom Caucus on Wednesday unveiled proposed legislation to replace the Affordable Care Act and officially endorsed a full repeal of Obamacare while promising to support the proposed replacement as a companion bill to one already in the Senate.

Sen. McConnell Leaves 'Nuclear Option' Open On Gorsuch

The Senate Majority Leader on Wednesday kept the line open for using the so-called nuclear option — changing Senate rules — and also backed President Donald Trump Supreme Court nominee Judge Neil Gorsuch's earlier comments on the independent judiciary.

Mattis Voices NATO Support, Says Members Must Chip In

Defense Secretary Jim Mattis Wednesday, in his first meeting with NATO counterparts since officially joining the Trump administration, reaffirmed U.S. commitments to the alliance while signaling the Trump administration would push member states to increase their monetary support.

Analysis

5 Key Takeaways From Trump's ACA Stabilizer Rule

The Trump administration's plan to stabilize Affordable Care Act markets by easing oversight of provider networks and limiting enrollment periods will strengthen insurers that are already doing fairly well but likely prove too modest for others, experts say. Here are five takeaways on how an eagerly awaited regulation will play out

GOP Lawmaker Takes Aim At FCC Privacy Rules

U.S. Sen. Jeff Flake is planning to introduce legislation that would roll back the Federal Communications Commission's new broadband

Goodwin
Greenberg Traurig
Hall Estill
Hunton & Williams
Jones Day
K&L Gates
Lewis Brisbois
Marashlian & Donahue
Massey & Gail
Mayer Brown
Moye White
Perkins Coie
Priddy Cutler
Stradley Ronon
Sullivan & Cromwell
Tucker Law Group
Wachtell Lipton
Wiley Rein

COMPANIES

AARP Inc.
Allergan PLC
Amazon.com Inc.
America Fujikura Ltd.
America's Health Insurance Plans
American Bar Association
American Cable Association
American Civil Liberties Union
American Federation of Labor and Congress of Industrial Organizations
Apple Inc.
AutoZone, Inc
Avalere Health LLC
Bank of America Corporation
Best Buy Co.
Boyd Gaming Corporation
CKE Restaurants, Inc.
CTIA

privacy rules, which give consumers opt-in options for the sharing of certain user information, the Arizona Republican confirmed Wednesday.

Trump Budget Pick Heads To Final Senate Vote

The Senate is moving closer to a final vote on President Donald Trump's head budget officer after Rep. Mick Mulvaney R-S.C., passed a key procedural hurdle on Wednesday.

Retailers Meet With Trump Amid Tax Reform Concerns

President Donald Trump and Vice President Mike Pence Wednesday met with members of the Retail Industry Leaders Association at the White House for a listening session on tax reform and other concerns facing the industry, according to a White House press pool briefing.

BANKING & SECURITIES

Fed Chair Says Rulemaking Calendar Is 'Relatively Light'

Federal Reserve Chair Janet Yellen said on Wednesday that the central bank does not have plans to move forward any major regulations while President Donald Trump's regulatory freeze remains in place even though executive orders do not apply to independent regulatory agencies.

SEC Urged To Preempt States To Boost Reg A+ Liquidity

A legal expert told a U.S. Securities and Exchange Commission advisory committee Wednesday that the SEC should use its rule-making authority to preempt state regulations that restrict secondary trading of shares of small companies that raise capital under the newly expanded Regulation A exemption, thus boosting liquidity.

IPOs Dwindle As Need To Go Public Becomes Less Urgent

Calpine Corporation
Center for Biological Diversity Inc.
Cisco Systems Inc.
Computer & Communications Industry Association
Dynergy Inc.
Equifax Inc.
Ernst & Young
Exelon Corporation
Experian
Facebook
Financial Industry Regulatory Authority Inc.
Google Inc.
Information Technology Industry Council
International Brotherhood of Teamsters
International Business Machines Corporation
J.C. Penney Company Inc.
JPMorgan Chase & Co.
Jack In The Box Inc.
Koch Industries Inc.
MGM Resorts International
Microsoft Corporation
Mobilitie LLC
Morgan Stanley
NASDAQ OMX Group Inc.
NRG Energy Inc.
PJM Interconnection LLC
Pfizer Inc.
Talen Energy Corp.
Tax Foundation
The Gap Inc.
Tractor Supply Company
TransUnion LLC
Turner Broadcasting System Inc.
Twilio Inc.

The rising costs of going public, new regulations that make it easier to stay private and growing options for raising private capital are leading factors causing more companies to delay or cancel initial public offerings, experts told a U.S. Securities and Exchange Commission committee Wednesday.

ENERGY & ENVIRONMENTAL

Watchdog Says Okla. AG Withholding Thousands Of Emails

A media watchdog group on Tuesday said that Oklahoma Attorney General Scott Pruitt, who is President Donald Trump's pick to lead the U.S. Environmental Protection Agency, is improperly withholding documents related to his office's interactions with fossil fuel industry players.

Senate Gets Ball Rolling To Amend The ESA

The Senate Environment Committee on Wednesday explored the possibility of amending the Endangered Species Act, with Republicans criticizing it as being unresponsive to state and local concerns and lacking flexibility to remove protections for an animal or plant once it has recovered.

Ill. Nuke Plant Subsidies Flout FERC, Power Cos. Say

A power producer coalition on Tuesday sued to overturn Illinois' plans to subsidize two struggling nuclear power plants in an echo of similar litigation launched against nuclear subsidies offered by New York state, claiming the incentives usurp the Federal Energy Regulatory Commission's exclusive authority over wholesale electricity markets.

10 State AGs Urge Senate To Reject Vessel Discharge Bill

New York Attorney General Eric T. Schneiderman and nine other state attorneys general called on U.S. Senate leaders Wednesday to reject legislation they say would

Twitter Inc.
U.S. Chamber of Commerce
United States Telecom Association
Verizon Communications
Walgreen Co.
ZestFinance Inc.

GOVERNMENT AGENCIES

Buena Vista Rancheria of Me-Wuk Indians
California Environmental Protection Agency
Centers for Medicare & Medicaid Services
Congressional Budget Office
Consumer Financial Protection Bureau
Equal Employment Opportunity Commission
Executive Office of the President
Federal Communications Commission
Federal Deposit Insurance Corp.
Federal Energy Regulatory Commission
Federal Reserve System
Federal Trade Commission
Fish and Wildlife Service
Government Accountability Office
Illinois Supreme Court
Internal Revenue Service
International Maritime Organization
NATO
National Institute of Standards and Technology
National Labor Relations Board
National Marine Fisheries Service
National Security Agency

dramatically weaken states' authority to protect waterways against pollution from commercial shipping vessels.

Flake Plan Provides For Ariz., NM Role In Mexican Gray Wolf

Republican Arizona Senators Jeff Flake and John McCain reintroduced the Mexican Gray Wolf Recovery Plan Act on Tuesday, which would give New Mexico and Arizona a larger stake in the management of an animal on the endangered species list.

Enviros, Utilities Clash Over EPA Mercury Rule Challenges

Environmentalists and utilities on Tuesday swapped dueling briefs in D.C. Circuit litigation over the U.S. Environmental Protection Agency's mercury rule for coal-fired power plants, with each side accusing the other of recycling arguments that have been rejected by the agency and the courts.

Endangered Species Case Won't Move From DC To Minn.

An Endangered Species Act case will not be transferred from D.C. to Minnesota federal court, a judge ordered Tuesday when deciding in favor of environmental groups accusing the U.S. Forest Service and other federal agencies of sidestepping a review requirement in approving mine and highway projects that could harm animals in Minnesota's Superior National Forest.

HEALTH & LIFE SCIENCES

Feds Float ACA Market Stabilization Rule

Federal regulators on Wednesday floated highly anticipated policies for stabilizing Affordable Care Act marketplaces, including tighter enrollment periods, slimmer benefits and more leeway for states to oversee provider networks.

New York Attorney General's Office

North Carolina Wildlife Resources Commission

Securities and Exchange Commission

Small Business Administration

Social Security Administration

U.S. Coast Guard

U.S. Department of Defense

U.S. Department of Energy

U.S. Department of Health and Human Services

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of Veterans Affairs

U.S. Department of the Interior

U.S. Department of the Treasury

U.S. Environmental Protection Agency

U.S. Forest Service

U.S. House of Representatives

U.S. Senate

U.S. Supreme Court

House OKs Measure To Widen Drug Testing For Unemployed

The House of Representatives paved the way for an increase in state-based drug testing for unemployment benefits Wednesday, passing a resolution to undo an Obama-era rule that allowed such testing in only narrow categories.

MEDIA & ENTERTAINMENT

Ex-State Sen. Asks Texas High Court To Nix Radio Ad Suit

Former state Sen. Bob Deuell has asked the Texas Supreme Court to review a lower court's decision allowing an anti-abortion group's lawsuit against him — alleging that his actions got their radio ads taken off the air — to proceed, arguing that the group hadn't met the minimum evidence standards required.

Philly Controller Wants End To 'Slush Fund' Defamation Suit

The attorney for Philadelphia's city controller asked a state court judge Wednesday to toss a former city official's suit that claimed she was defamed in reports about a so-called slush fund involving money from the city's marathon, saying he and another defendant had immunity as "high public officials."

REAL ESTATE

NJ Developer Loses Appeal Over Application Timing Rule

The New Jersey Appellate Division has said a developer is not protected by a rule requiring a municipality to follow regulations in place at the time of an application because the business did not submit every required document, marking the first time a state court defined an application entitled to such protection.

EMPLOYMENT

GOP Votes To Repeal DOL Rules On State Retirement Plans

Republicans in the U.S. House of Representatives on Wednesday voted to repeal two recent U.S. Department of Labor rules that allow states and some municipalities to help workers without employer-sponsored retirement plans invest in state-run accounts.

EEOC Slows Rule On Affirmative Action Rule For Disabled

The U.S. Equal Employment Opportunity Commission said Wednesday that it will impose a two-week delay of its regulations boosting federal agencies' hiring goals for individuals with disabilities and enhancing support services for those workers, citing a Trump administration directive to slow rules that haven't yet taken effect.

Rauner Asks For Pension Reform, Power To Cut Ill. Budget

Illinois Gov. Bruce Rauner offered state lawmakers a spending plan Wednesday that he repeatedly called "balanced" but that relies on filling a \$4.5 billion hole with measures requiring cooperation from the same legislature at a budget impasse for an unprecedented 20 months.

Ky. County Tells 6th Circ. Not To Rethink RTW Ruling Appeal

A county in Kentucky urged the Sixth Circuit on Wednesday to reject a request by a group of Kentucky unions, including chapters of the AFL-CIO, to rehear en banc a case challenging a local right-to-work ordinance.

PRIVACY & CONSUMER PROTECTION

CFPB Contemplates Using Alternative Data In Credit Scores

The Consumer Financial Protection Bureau on Thursday announced plans to look into whether using so-called "alternative data" like rent and utility payments for credit scoring could make it

easier for millions of Americans to get access to mortgages and other credit.

Tech Groups Call For Balance In Foreign Spying Renewal Push

A coalition of tech industry groups on Wednesday pushed congressional leaders to work together to come up with a "balanced yet focused" approach to replacing a controversial foreign internet surveillance program that is expiring at the end of the year.

GOVERNMENT CONTRACTS

NJ Ordered To Defend Atlantic City Layoffs, Contract Changes

A New Jersey state judge has ordered state officials to appear in court later this month in a lawsuit brought against them by the union representing Atlantic City firefighters and address whether the officials should be restrained from laying off firefighters and implementing changes to their contract.

GAO Targets 34 Areas Of Concern In Federal High Risk List

The U.S. Government Accountability Office released a new list of "high risk" federal programs particularly susceptible to fraud, abuse or mismanagement on Wednesday, adding various Native American programs, environmental liabilities and the upcoming census to the list while removing programs for managing terrorism-related information.

INTERNATIONAL TRADE

Border Adjust Tax Will Have Limited Trade Impact, Report Says

The House Republicans' proposed tax on imports will have a limited long-run economic impact if any at all, according to a Tax Foundation report released Wednesday, which noted that while the approach provides no

expected trade-related gains, it has the advantage of limiting tax avoidance.

TAX

US Wants New Shot At Inversion Rule If It Loses Challenge

The U.S. government asked a Texas federal court on Wednesday to consider sending a tax rule meant to combat corporate inversions back to the U.S. Treasury Department rather than vacating it if the U.S. Chamber of Commerce's challenge of the rule is successful.

NJ, MGM Resorts Ink \$72M Deal Over Property Tax Appeals

New Jersey officials on Wednesday announced a deal to pay \$72 million to MGM Resorts International to resolve outstanding property tax appeals filed by the company's Borgata Hotel Casino & Spa in Atlantic City, saying the move would save taxpayer dollars as the state oversees the fiscal recovery of the struggling resort town.

Colo. Gov. Downplays Harm Of Taxpayer Rights Bill, Court Told

Opponents to Colorado's Taxpayer Bill of Rights slammed Gov. John Hickenlooper's bid to toss their suit, telling a federal court Tuesday that the governor has mischaracterized the measure to play down the harm it has caused state political subdivisions and others.

IMMIGRATION

House Resolution Slams Judge Who Blocked Travel Ban

Rep. Steve King, R-Iowa, has introduced a resolution to the U.S. House of Representatives criticizing the actions of a federal judge and an appeals court that obstructed the enforcement of President Donald Trump's Jan. 27 immigration ban.

Texas AG Backs Trump Immigration Ban In 9th Circ.

Texas Attorney General Ken Paxton threw his support behind President Donald Trump's immigration ban on Wednesday when he urged the Ninth Circuit to reconsider last week's decision upholding a block on the executive order, citing the president's powers to protect national security.

NATIVE AMERICAN

Calif. County Can Fight Tribal Casino, DC Circ. Told

A California county has urged the D.C. Circuit to allow it to challenge a U.S. Department of the Interior decision backing a proposed tribal casino, arguing that it had retained the right to oppose the project.

TELECOMMUNICATIONS

Analysis

FCC's Lifeline Backtrack Foreshadows Program Changes

The Federal Communications Commission under the leadership of new Chairman Ajit Pai has set off a firestorm of controversy by revoking the eligibility of several companies to provide Lifeline broadband services, and experts say recent FCC action suggests the commission will seek to change Obama-era program updates.

Wireless Group Urges FCC To Clear Local Roadblocks For 5G

Wireless trade group CTIA has pushed the Federal Communications Commission to move forward with a proposal to clear the way at the state and local level for 5G infrastructure, also pushing for spectrum to meet wireless demand and against a proposal to subject text messaging to more stringent regulation.

Small Telecoms Decry FCC's Proposed 'Flash Cuts'

A group of regional telecom companies told the new head of the Federal Communications Commission on Tuesday that his plan to cut subsidies they receive for reaching rural customers and redirect the funds toward areas without wireless broadband would do more harm than good.

PEOPLE

SEC Chair Mary Jo White Returns To Debevoise & Plimpton

After nearly four years as chair of the U.S. Securities and Exchange Commission, Mary Jo White will once again return to Debevoise & Plimpton LLP, this time as senior chair of the firm, Debevoise announced on Wednesday.

EXPERT ANALYSIS

Game Clock Running Down, NLRB GC Turns To The Crowd

National Labor Relations Board general counsel Richard Griffin's recent report discussing the rights of university faculty and students speaks not to the board, but instead to employers, labor unions and employees, and is being used as a novel, last-ditch attempt to use the court of public opinion to bolster changes Griffin oversaw during his tenure, says Ryan Funk of Faegre Baker Daniels LLP.

A New Element In Awarding Calif. Public Works Contracts

Legislation recently proposed in California would require the disclosure of greenhouse gas emissions generated by the manufacture of certain "eligible materials" for public works projects. If passed, it could have the biggest effect on companies that manufacture construction materials, especially cement, flat glass, manufactured wool, steel and asphalt, say attorneys with Arnold & Porter Kaye Scholer LLP.

How A General Counsel Should Think About AI

Though the Trump administration has yet to make an official statement regarding artificial intelligence, support for AI is consistent with its expressed desire to promote American business. As such, general counsel will inevitably have to navigate what big data and AI mean for compliance with current and future laws and regulations, say Bruce Heiman and Elana Reman of K&L Gates LLP.

A Rule Against Pretext, Taken Out Of Context

An attorney who negotiates a serial killer's surrender is suspended from legal practice. A highly successful investigative unit that protects children from internet predators is shut down. These are the results of an overly dogmatic approach to the Colorado Rules of Professional Conduct, which prohibit lawyers from engaging "in conduct involving dishonesty, fraud, deceit or misrepresentation," says Charles Luce of Moye White LLP.

When And Where Punitive Damages Are Insurable: Part 2

There is no substitute for a well-drafted, ironclad insurance policy, so it is imperative that insurers either expressly exclude punitive damages in actual policies, or unambiguous, limiting language if the agreement is to cover punitive damages, says Rory Jurman of Fowler White Burnett PA.

LEGAL INDUSTRY

Analysis

How To Stand Out In A Large Law Department

In large law departments, in-house counsel who don't distinguish themselves are doomed to languish unnoticed among the masses. Here's how to make an impression with general

counsel and other company leaders to move up the ranks.

My Strangest Day In Court: When My Expert Had A Meltdown

As I was going through one of the plaintiff's claims — post-traumatic stress disorder — with my expert witness, the good doctor could not even recall the elements of the disorder! Then, suddenly, he pointed his finger at a young juror, remembers Esther Holm of Lewis Brisbois Bisgaard & Smith LLP.

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Cooper & Kirk
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Davis Wright Tremaine
Debevoise & Plimpton
Denton Navarro
Dentons
Dickinson Wright
Earthjustice
Epstein Becker Green
Faegre Baker
Foley & Lardner
Fowler White Burnett
Frost Brown Todd

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Lewis Brisbois
Marashlian & Donahue
Massey & Gail
Mayer Brown
Moye White
Perkins Coie
Priddy Cutler
Stradley Ronon
Sullivan & Cromwell
Tucker Law Group
Wachtell Lipton
Wiley Rein

COMPANIES

AARP Inc.
Allergan PLC
Amazon.com Inc.
America Fujikura Ltd.
America's Health Insurance Plans
American Bar Association
American Cable Association
American Civil Liberties Union
American Federation of Labor and Congress of Industrial Organizations
Apple Inc.
AutoZone, Inc
Avalere Health LLC
Bank of America Corporation
Best Buy Co.
Boyd Gaming Corporation
CKE Restaurants, Inc.
CTIA

privacy rules, which give consumers opt-in options for the sharing of certain user information, the Arizona Republican confirmed Wednesday.

Trump Budget Pick Heads To Final Senate Vote

The Senate is moving closer to a final vote on President Donald Trump's head budget officer after Rep. Mick Mulvaney R-S.C., passed a key procedural hurdle on Wednesday.

Retailers Meet With Trump Amid Tax Reform Concerns

President Donald Trump and Vice President Mike Pence Wednesday met with members of the Retail Industry Leaders Association at the White House for a listening session on tax reform and other concerns facing the industry, according to a White House press pool briefing.

BANKING & SECURITIES

Fed Chair Says Rulemaking Calendar Is 'Relatively Light'

Federal Reserve Chair Janet Yellen said on Wednesday that the central bank does not have plans to move forward any major regulations while President Donald Trump's regulatory freeze remains in place even though executive orders do not apply to independent regulatory agencies.

SEC Urged To Preempt States To Boost Reg A+ Liquidity

A legal expert told a U.S. Securities and Exchange Commission advisory committee Wednesday that the SEC should use its rule-making authority to preempt state regulations that restrict secondary trading of shares of small companies that raise capital under the newly expanded Regulation A exemption, thus boosting liquidity.

IPOs Dwindle As Need To Go Public Becomes Less Urgent

Calpine Corporation
Center for Biological Diversity Inc.
Cisco Systems Inc.
Computer & Communications Industry Association
Dynegy Inc.
Equifax Inc.
Ernst & Young
Exelon Corporation
Experian
Facebook
Financial Industry Regulatory Authority Inc.
Google Inc.
Information Technology Industry Council
International Brotherhood of Teamsters
International Business Machines Corporation
J.C. Penney Company Inc.
JPMorgan Chase & Co.
Jack In The Box Inc.
Koch Industries Inc.
MGM Resorts International
Microsoft Corporation
Mobilitie LLC
Morgan Stanley
NASDAQ OMX Group Inc.
NRG Energy Inc.
PJM Interconnection LLC
Pfizer Inc.
Talen Energy Corp.
Tax Foundation
The Gap Inc.
Tractor Supply Company
TransUnion LLC
Turner Broadcasting System Inc.
Twilio Inc.

The rising costs of going public, new regulations that make it easier to stay private and growing options for raising private capital are leading factors causing more companies to delay or cancel initial public offerings, experts told a U.S. Securities and Exchange Commission committee Wednesday.

ENERGY & ENVIRONMENTAL

Watchdog Says Okla. AG Withholding Thousands Of Emails

A media watchdog group on Tuesday said that Oklahoma Attorney General Scott Pruitt, who is President Donald Trump's pick to lead the U.S. Environmental Protection Agency, is improperly withholding documents related to his office's interactions with fossil fuel industry players.

Senate Gets Ball Rolling To Amend The ESA

The Senate Environment Committee on Wednesday explored the possibility of amending the Endangered Species Act, with Republicans criticizing it as being unresponsive to state and local concerns and lacking flexibility to remove protections for an animal or plant once it has recovered.

Ill. Nuke Plant Subsidies Flout FERC, Power Cos. Say

A power producer coalition on Tuesday sued to overturn Illinois' plans to subsidize two struggling nuclear power plants in an echo of similar litigation launched against nuclear subsidies offered by New York state, claiming the incentives usurp the Federal Energy Regulatory Commission's exclusive authority over wholesale electricity markets.

10 State AGs Urge Senate To Reject Vessel Discharge Bill

New York Attorney General Eric T. Schneiderman and nine other state attorneys general called on U.S. Senate leaders Wednesday to reject legislation they say would

Twitter Inc.
U.S. Chamber of Commerce
United States Telecom Association
Verizon Communications
Walgreen Co.
ZestFinance Inc.

GOVERNMENT AGENCIES

Buena Vista Rancheria of Me-Wuk Indians
California Environmental Protection Agency
Centers for Medicare & Medicaid Services
Congressional Budget Office
Consumer Financial Protection Bureau
Equal Employment Opportunity Commission
Executive Office of the President
Federal Communications Commission
Federal Deposit Insurance Corp.
Federal Energy Regulatory Commission
Federal Reserve System
Federal Trade Commission
Fish and Wildlife Service
Government Accountability Office
Illinois Supreme Court
Internal Revenue Service
International Maritime Organization
NATO
National Institute of Standards and Technology
National Labor Relations Board
National Marine Fisheries Service
National Security Agency

dramatically weaken states' authority to protect waterways against pollution from commercial shipping vessels.

Flake Plan Provides For Ariz., NM Role In Mexican Gray Wolf

Republican Arizona Senators Jeff Flake and John McCain reintroduced the Mexican Gray Wolf Recovery Plan Act on Tuesday, which would give New Mexico and Arizona a larger stake in the management of an animal on the endangered species list.

Enviros, Utilities Clash Over EPA Mercury Rule Challenges

Environmentalists and utilities on Tuesday swapped dueling briefs in D.C. Circuit litigation over the U.S. Environmental Protection Agency's mercury rule for coal-fired power plants, with each side accusing the other of recycling arguments that have been rejected by the agency and the courts.

Endangered Species Case Won't Move From DC To Minn.

An Endangered Species Act case will not be transferred from D.C. to Minnesota federal court, a judge ordered Tuesday when deciding in favor of environmental groups accusing the U.S. Forest Service and other federal agencies of sidestepping a review requirement in approving mine and highway projects that could harm animals in Minnesota's Superior National Forest.

HEALTH & LIFE SCIENCES

Feds Float ACA Market Stabilization Rule

Federal regulators on Wednesday floated highly anticipated policies for stabilizing Affordable Care Act marketplaces, including tighter enrollment periods, slimmer benefits and more leeway for states to oversee provider networks.

New York Attorney General's Office

North Carolina Wildlife Resources Commission

Securities and Exchange Commission

Small Business Administration

Social Security Administration

U.S. Coast Guard

U.S. Department of Defense

U.S. Department of Energy

U.S. Department of Health and Human Services

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of Veterans Affairs

U.S. Department of the Interior

U.S. Department of the Treasury

U.S. Environmental Protection Agency

U.S. Forest Service

U.S. House of Representatives

U.S. Senate

U.S. Supreme Court

House OKs Measure To Widen Drug Testing For Unemployed

The House of Representatives paved the way for an increase in state-based drug testing for unemployment benefits Wednesday, passing a resolution to undo an Obama-era rule that allowed such testing in only narrow categories.

MEDIA & ENTERTAINMENT

Ex-State Sen. Asks Texas High Court To Nix Radio Ad Suit

Former state Sen. Bob Deuell has asked the Texas Supreme Court to review a lower court's decision allowing an anti-abortion group's lawsuit against him — alleging that his actions got their radio ads taken off the air — to proceed, arguing that the group hadn't met the minimum evidence standards required.

Philly Controller Wants End To 'Slush Fund' Defamation Suit

The attorney for Philadelphia's city controller asked a state court judge Wednesday to toss a former city official's suit that claimed she was defamed in reports about a so-called slush fund involving money from the city's marathon, saying he and another defendant had immunity as “high public officials.”

REAL ESTATE

NJ Developer Loses Appeal Over Application Timing Rule

The New Jersey Appellate Division has said a developer is not protected by a rule requiring a municipality to follow regulations in place at the time of an application because the business did not submit every required document, marking the first time a state court defined an application entitled to such protection.

EMPLOYMENT

GOP Votes To Repeal DOL Rules On State Retirement Plans

Republicans in the U.S. House of Representatives on Wednesday voted to repeal two recent U.S. Department of Labor rules that allow states and some municipalities to help workers without employer-sponsored retirement plans invest in state-run accounts.

EEOC Slows Rule On Affirmative Action Rule For Disabled

The U.S. Equal Employment Opportunity Commission said Wednesday that it will impose a two-week delay of its regulations boosting federal agencies' hiring goals for individuals with disabilities and enhancing support services for those workers, citing a Trump administration directive to slow rules that haven't yet taken effect.

Rauner Asks For Pension Reform, Power To Cut Ill. Budget

Illinois Gov. Bruce Rauner offered state lawmakers a spending plan Wednesday that he repeatedly called "balanced" but that relies on filling a \$4.5 billion hole with measures requiring cooperation from the same legislature at a budget impasse for an unprecedented 20 months.

Ky. County Tells 6th Circ. Not To Rethink RTW Ruling Appeal

A county in Kentucky urged the Sixth Circuit on Wednesday to reject a request by a group of Kentucky unions, including chapters of the AFL-CIO, to rehear en banc a case challenging a local right-to-work ordinance.

PRIVACY & CONSUMER PROTECTION

CFPB Contemplates Using Alternative Data In Credit Scores

The Consumer Financial Protection Bureau on Thursday announced plans to look into whether using so-called "alternative data" like rent and utility payments for credit scoring could make it

easier for millions of Americans to get access to mortgages and other credit.

Tech Groups Call For Balance In Foreign Spying Renewal Push

A coalition of tech industry groups on Wednesday pushed congressional leaders to work together to come up with a "balanced yet focused" approach to replacing a controversial foreign internet surveillance program that is expiring at the end of the year.

GOVERNMENT CONTRACTS

NJ Ordered To Defend Atlantic City Layoffs, Contract Changes

A New Jersey state judge has ordered state officials to appear in court later this month in a lawsuit brought against them by the union representing Atlantic City firefighters and address whether the officials should be restrained from laying off firefighters and implementing changes to their contract.

GAO Targets 34 Areas Of Concern In Federal High Risk List

The U.S. Government Accountability Office released a new list of "high risk" federal programs particularly susceptible to fraud, abuse or mismanagement on Wednesday, adding various Native American programs, environmental liabilities and the upcoming census to the list while removing programs for managing terrorism-related information.

INTERNATIONAL TRADE

Border Adjust Tax Will Have Limited Trade Impact, Report Says

The House Republicans' proposed tax on imports will have a limited long-run economic impact if any at all, according to a Tax Foundation report released Wednesday, which noted that while the approach provides no

expected trade-related gains, it has the advantage of limiting tax avoidance.

TAX

US Wants New Shot At Inversion Rule If It Loses Challenge

The U.S. government asked a Texas federal court on Wednesday to consider sending a tax rule meant to combat corporate inversions back to the U.S. Treasury Department rather than vacating it if the U.S. Chamber of Commerce's challenge of the rule is successful.

NJ, MGM Resorts Ink \$72M Deal Over Property Tax Appeals

New Jersey officials on Wednesday announced a deal to pay \$72 million to MGM Resorts International to resolve outstanding property tax appeals filed by the company's Borgata Hotel Casino & Spa in Atlantic City, saying the move would save taxpayer dollars as the state oversees the fiscal recovery of the struggling resort town.

Colo. Gov. Downplays Harm Of Taxpayer Rights Bill, Court Told

Opponents to Colorado's Taxpayer Bill of Rights slammed Gov. John Hickenlooper's bid to toss their suit, telling a federal court Tuesday that the governor has mischaracterized the measure to play down the harm it has caused state political subdivisions and others.

IMMIGRATION

House Resolution Slams Judge Who Blocked Travel Ban

Rep. Steve King, R-Iowa, has introduced a resolution to the U.S. House of Representatives criticizing the actions of a federal judge and an appeals court that obstructed the enforcement of President Donald Trump's Jan. 27 immigration ban.

Texas AG Backs Trump Immigration Ban In 9th Circ.

Texas Attorney General Ken Paxton threw his support behind President Donald Trump's immigration ban on Wednesday when he urged the Ninth Circuit to reconsider last week's decision upholding a block on the executive order, citing the president's powers to protect national security.

NATIVE AMERICAN

Calif. County Can Fight Tribal Casino, DC Circ. Told

A California county has urged the D.C. Circuit to allow it to challenge a U.S. Department of the Interior decision backing a proposed tribal casino, arguing that it had retained the right to oppose the project.

TELECOMMUNICATIONS

Analysis

FCC's Lifeline Backtrack Foreshadows Program Changes

The Federal Communications Commission under the leadership of new Chairman Ajit Pai has set off a firestorm of controversy by revoking the eligibility of several companies to provide Lifeline broadband services, and experts say recent FCC action suggests the commission will seek to change Obama-era program updates.

Wireless Group Urges FCC To Clear Local Roadblocks For 5G

Wireless trade group CTIA has pushed the Federal Communications Commission to move forward with a proposal to clear the way at the state and local level for 5G infrastructure, also pushing for spectrum to meet wireless demand and against a proposal to subject text messaging to more stringent regulation.

Small Telecoms Decry FCC's Proposed 'Flash Cuts'

A group of regional telecom companies told the new head of the Federal Communications Commission on Tuesday that his plan to cut subsidies they receive for reaching rural customers and redirect the funds toward areas without wireless broadband would do more harm than good.

PEOPLE

SEC Chair Mary Jo White Returns To Debevoise & Plimpton

After nearly four years as chair of the U.S. Securities and Exchange Commission, Mary Jo White will once again return to Debevoise & Plimpton LLP, this time as senior chair of the firm, Debevoise announced on Wednesday.

EXPERT ANALYSIS

Game Clock Running Down, NLRB GC Turns To The Crowd

National Labor Relations Board general counsel Richard Griffin's recent report discussing the rights of university faculty and students speaks not to the board, but instead to employers, labor unions and employees, and is being used as a novel, last-ditch attempt to use the court of public opinion to bolster changes Griffin oversaw during his tenure, says Ryan Funk of Faegre Baker Daniels LLP.

A New Element In Awarding Calif. Public Works Contracts

Legislation recently proposed in California would require the disclosure of greenhouse gas emissions generated by the manufacture of certain "eligible materials" for public works projects. If passed, it could have the biggest effect on companies that manufacture construction materials, especially cement, flat glass, manufactured wool, steel and asphalt, say attorneys with Arnold & Porter Kaye Scholer LLP.

How A General Counsel Should Think About AI

Though the Trump administration has yet to make an official statement regarding artificial intelligence, support for AI is consistent with its expressed desire to promote American business. As such, general counsel will inevitably have to navigate what big data and AI mean for compliance with current and future laws and regulations, say Bruce Heiman and Elana Reman of K&L Gates LLP.

A Rule Against Pretext, Taken Out Of Context

An attorney who negotiates a serial killer's surrender is suspended from legal practice. A highly successful investigative unit that protects children from internet predators is shut down. These are the results of an overly dogmatic approach to the Colorado Rules of Professional Conduct, which prohibit lawyers from engaging "in conduct involving dishonesty, fraud, deceit or misrepresentation," says Charles Luce of Moye White LLP.

When And Where Punitive Damages Are Insurable: Part 2

There is no substitute for a well-drafted, ironclad insurance policy, so it is imperative that insurers either expressly exclude punitive damages in actual policies, or unambiguous, limiting language if the agreement is to cover punitive damages, says Rory Jurman of Fowler White Burnett PA.

LEGAL INDUSTRY

Analysis

How To Stand Out In A Large Law Department

In large law departments, in-house counsel who don't distinguish themselves are doomed to languish unnoticed among the masses. Here's how to make an impression with general

counsel and other company leaders to move up the ranks.

My Strangest Day In Court: When My Expert Had A Meltdown

As I was going through one of the plaintiff's claims — post-traumatic stress disorder — with my expert witness, the good doctor could not even recall the elements of the disorder! Then, suddenly, he pointed his finger at a young juror, remembers Esther Holm of Lewis Brisbois Bisgaard & Smith LLP.

JOBS

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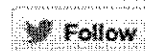


PUBLIC POLICY

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Friday, February 17, 2017



TOP NEWS

Analysis

Smoother Road To Confirmation Seen For New DOL Chief Pick

President Donald Trump's nomination of former U.S. Attorney Alex Acosta to head the U.S. Department of Labor drew praise from management-side attorneys who believe he will adhere to the administration's less aggressive regulatory posture, while also garnering cautious optimism from unions who see his past public service as a sign he will dutifully enforce labor laws.

Mulvaney Gets Senate Approval As Trump Budget Officer

The Senate has approved President Donald Trump's pick for his top budget office, putting conservative Rep. Mick Mulvaney, R-S.C., at the head of the office responsible for the federal budget and managing many agencies.

Analysis

LAW FIRMS

Alston & Bird
Astigarraga Davis
Ballard Spahr
Blank Rome
Coker Schickel
Connelly Law Offices
Cooley
DLA Piper
Dewey & LeBoeuf
Dowd Bloch
Epstein Becker Green
Faegre Baker
Farella Braun
Fisch Sigler
Gibson Dunn
Goodwin
Hall Estill
Holland & Knight
Hueston Hennigan

Ex-DOJ Immigration Head: Travel Order Case A 'Close Call'

Leon Fresco, the former head of the government's Office of Immigration Litigation, dove into a range of hot-button topics in recent discussions with Law360, saying it was a "close call" whether the current version of the president's travel ban would be able survive court review.

Trump EPA Pick Pruitt Advances In Senate

Trump's choice to lead the Environmental Protection Agency has been set up for a final Senate vote, as Oklahoma Attorney General Scott Pruitt cleared a procedural vote Thursday.

9th Circ. Pauses Immigration Ban Suit At Trump's Request

Ninth Circuit Chief Justice Sidney R. Thomas late Thursday agreed to pause en banc proceedings over President Donald Trump's challenge of an order blocking the implementation of his immigration ban after the administration requested a freeze on the proceedings as it preps a new executive order.

House Acts To Clear Way For Planned Parenthood Defunding

The House passed a resolution Thursday to make it easier for states to defund Planned Parenthood, disapproving a federal rule that restricts states' ability to direct funding to the women's health care provider.

FCC's Pai Wants To Cut 'Red Tape' For Radio

Federal Communications Commission Chairman Ajit Pai said Thursday that he will not neglect radio during his chairmanship, pushing for modernized rules and the activation of smartphone FM chips to let users listen to radio over-the-air, though without a regulatory mandate.

Jackson Lewis
Jenner & Block
Jones Day
K&L Gates
Kirkland & Ellis
Laddey Clark
Mayer Brown
Nicoletti Hornig
O'Melveny & Myers
Ogletree Deakins
Patterson Belknap
Paul Hastings
Potter Minton
Prince Lobel
Quinn Emanuel
Ropes & Gray
Schiff Hardin
Seward & Kissel
Shapiro Haber
Skadden
Spector Gadon
Sullivan & Cromwell
Terrell Hogan
Weil Gotshal
Weiner Brodsky
White and Williams
Wilentz Goldman

COMPANIES

Alliance Defending Freedom
Amazon.com Inc.
America Fujikura Ltd.
American Bar Association
American Civil Liberties Union
American Commercial Lines Inc
American Federation of Labor and Congress of Industrial Organizations

Acting SEC Chair Curbs Enforcement Staff's Power

Acting U.S. Securities and Exchange Commission Chair Michael Piwowar has curtailed some powers of the agency's enforcement staff dating from the financial crisis, according to multiple media reports.

BANKING & SECURITIES

DC Circ. Agrees To Rethink SEC Judges' Constitutionality

The D.C. Circuit agreed Thursday to vacate a panel's finding that the U.S. Securities and Exchange Commission's in-house judges don't need presidential appointment and to rehear the case before the entire court, taking another look at an issue that has split circuits.

Euronext Says New Platform Shields From High-Speed Traders

European stock exchange operator Euronext said Wednesday it will partner with a U.S. financial technology company and launch a block-trading platform designed to enable investors to execute large orders without tipping their hat toward high-frequency traders

ENERGY & ENVIRONMENTAL

More Ex-EPA Employees Pile On Anti-Pruitt Bandwagon

The number of former U.S. Environmental Protection Agency employees opposed to the confirmation of Oklahoma Attorney General Scott Pruitt as EPA administrator has risen to more than 700, the Environmental Integrity Project said Thursday.

EPA Re-Floats Uranium Mine Rule, Yanks 30-Year Monitoring

The U.S. Environmental Protection Agency on Thursday re-proposed a rule imposing new health and environmental protection regulations for uranium ore extraction, and removed a requirement that mine operators monitor

American Federation of State,
County and Municipal Employees
American Federation of Television
and Radio Artists
American Insurance Association
CH Energy Group Inc.
CKE Restaurants, Inc.
Center for Biological Diversity Inc.
Comcast Corporation
ConAgra Foods, Inc.
Conservation Law Foundation
Devon Energy Corporation
Dr. Reddy's Laboratories Limited
Energy Transfer Partners, L.P.
Florida Bar Association
Fortress Investment Group LLC
Google Inc.
Helsinn Healthcare SA
Humane Society of the United
States
Intellectual Ventures
International Union Of Operating
Engineers
Koch Industries Inc.
Lockheed Martin
London Stock Exchange Group
PLC
Lyft Inc.
McDonald's Corporation
NBCUniversal Inc.
National Association of Insurance
Commissioners
National Association of Mutual
Insurance Companies
National Rifle Association of
America
New York State Bar Association
New York Times Co.
Occidental Petroleum Corporation
PHH Corporation

groundwater for 30 years after demonstrating that the groundwater chemistry is restored and stable.

EPA Cleared From Suit Over Fla. Water Quality Requirements

A Florida federal judge on Wednesday tossed a lawsuit accusing the U.S. Environmental Protection Agency of failing to correctly evaluate water quality requirements for Florida's waterways, a decision that came two years after the judge tossed a similar suit from the same environmental group.

FWS Released From Lawsuit Over Permit For Lynx Capture

The U.S. Fish and Wildlife Service was released from a lawsuit Wednesday brought by environmental and animal welfare groups suing it for issuing the state of Maine a permit that allowed the accidental capture of a threatened lynx species, with a federal judge finding that the service had a rational basis to issue the permit.

EPA Nominee Ordered To Hand Over Docs To Watchdog

An Oklahoma judge on Thursday ordered Scott Pruitt, President Donald Trump's nominee to lead the U.S. Environmental Protection Agency, to turn over to a watchdog group nearly 3,000 emails that purportedly reveal his ties to the fossil fuel industry, the group said.

Resolution Nixing Alaska Hunting Rule Clears House

Alaskan hunters could soon have more tools at their disposal again, after the House passed a measure on Thursday aimed at a federal rule limiting hunting practices on federal lands in the state.

Trump Inks Revocation Of Stream Protection Rule

President Donald J. Trump on Thursday signed a bill revoking a U.S. Department of the Interior

Planned Parenthood Federation
San Antonio Spurs
Sierra Club
SoftBank Group Corp.
Speedway LLC
Stepan Co.
The Boeing Company
Toshiba
U.S. Chamber of Commerce
Uber Technologies Inc.
United Brotherhood of Carpenters
Wal-Mart Stores Inc.

GOVERNMENT AGENCIES

Army Corps of Engineers
Bureau of Land Management
Consumer Financial Protection Bureau
Department of Commerce
Equal Employment Opportunity Commission
European Commission
Executive Office of the President
Federal Communications Commission
Federal Deposit Insurance Corp.
Fish and Wildlife Service
Florida Attorney General's Office
Florida Department of Environmental Protection
Government Accountability Office
Idaho Legislature
Illinois Supreme Court
Immigration and Customs Enforcement
International Trade Commission
NAFTA
National Labor Relations Board
National Railroad Passenger Corporation

rule aimed at minimizing coal mining's harm to surface water and groundwater, the second energy-related rule crafted by the Obama administration that's been killed through use of the Congressional Review Act.

HEALTH & LIFE SCIENCES

11th Circ. Strikes Down Fla. 'Gun Gag' Law

The Eleventh Circuit on Thursday struck down much of a Florida law curbing doctors from asking patients about firearm ownership, ruling that the "gun gag" law violates the First Amendment by impermissibly restricting physician speech.

Trump's CMS Pick Says Medicaid 'Doesn't Work Well'

The Trump administration's likely leader of the Centers for Medicare and Medicaid Services on Thursday sharply criticized Medicaid as rigid and underperforming, signaling that states will get more leeway to overhaul their programs.

Fla. High Court Blocks Enforcement Of Abortion Delay Law

The Florida Supreme Court reinstated a temporary injunction blocking a state law requiring women to wait 24 hours after an initial doctor's visit before obtaining an abortion, ruling Thursday that the abortion rights groups had shown they would likely succeed on the merits.

TRANSPORTATION & INFRASTRUCTURE

Uber Looks To Consolidate 4 Suits By Boston Taxi Cos.

Uber Technologies Inc. on Thursday asked a Massachusetts federal court to consolidate four cases brought by 265 local taxi companies accusing Uber of operating illegally in Boston and competing unfairly by not complying with local taxi ordinances.

New Jersey Attorney General's Office

Office of Surface Mining Reclamation and Enforcement

Port Authority of New York & New Jersey

Securities and Exchange Commission

Shoshone-Bannock Tribes

Small Business Administration

Social Security Administration

Standing Rock Sioux Tribe

U.S. Air Force

U.S. Army

U.S. Attorney's Office

U.S. Consumer Product Safety Commission

U.S. Department of Agriculture

U.S. Department of Defense

U.S. Department of Health and Human Services

U.S. Department of Homeland Security

U.S. Department of Housing and Urban Development

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of the Interior

U.S. Department of the Treasury

U.S. Environmental Protection Agency

U.S. Supreme Court

Washington Attorney General's Office

Long-Term Surface Transpo Funding Fix Needed, Says GAO

The Government Accountability Office said Wednesday that Congress' failure to lock down a sustainable long-term plan to pay for U.S. surface transportation upgrades continues to be a "high-risk" public policy area that lawmakers must tackle.

NJ Judge Again Finds Probable Cause In Christie GWB Case

A New Jersey judge on Thursday again found probable cause in an activist's criminal complaint accusing Gov. Chris Christie of official misconduct over politically motivated lane closures at the George Washington Bridge, sending the matter to prosecutors who have already said they won't pursue charges against the governor.

Port Authority OKs \$32.2B Capital Plan For Transpo Projects

The Port Authority of New York & New Jersey on Thursday signed off on a \$32.2 billion, 10-year capital plan, advancing plans to fund a new bus terminal on Manhattan's west side, the long-awaited third tunnel under the Hudson River, and the ongoing redevelopment of LaGuardia Airport.

INSURANCE

House Lawmakers Seek Clarity On US-EU Insurance Pact

A U.S. House panel on Thursday pressed for more clarity on a new bilateral agreement between the U.S. and European Union designed to place insurers and reinsurers in the two jurisdictions on equal footing, as regulators and insurance trade groups presented wildly divergent views on the pact.

EMPLOYMENT

Wash. High Court Rebuffs Florist's Same-Sex Objections

A Washington florist who refused to serve a same-sex wedding, citing religious objections, violated state anti-discrimination laws and is not protected by the First Amendment, the Washington Supreme Court unanimously ruled Thursday.

Ill. Must Keep Paying Workers In Budget Impasse, Judge Says

State workers in Illinois will continue to get paid through the state's historic budget impasse now that a St. Clair County judge on Thursday denied Attorney General Lisa Madigan's request to halt the paychecks of 63,000 employees until lawmakers and the governor approve a budget.

2 Dems Offer Trump Road Map To Revamp NAFTA

Two House Democrats extended an olive branch to President Donald Trump on Thursday by offering to help him renegotiate the North American Free Trade Agreement, laying out a road map that would increase the deal's labor and environmental rules and do away with its controversial arbitration panels.

Trump Picks Former US Attorney Acosta To Lead DOL

President Donald Trump on Thursday tapped law school dean R. Alexander Acosta — a former U.S. attorney for the Southern District of Florida, one-time National Labor Relations Board member and the first Hispanic to ascend to the top of the U.S. Department of Justice's Civil Rights Division — to serve as secretary of labor.

Ill. Village Asks 7th Circ. To OK 'Right-to-Work' Rule

The Illinois community whose right-to-work ordinance was struck down by a federal judge last month appealed to the Seventh Circuit this week, arguing that the January decision runs afoul of a Sixth Circuit decision that allowed the

union-weakening statute for counties in Kentucky.

COMPETITION

Gas Station Chain Sues NJ Over Fuel Price Law

Gas station chain Speedway LLC has filed a lawsuit alleging New Jersey's law prohibiting below-cost vehicle fuel sales is unconstitutional because it violates the common-law right to sell goods at any price upon which the retailer and purchaser agree

PRIVACY & CONSUMER PROTECTION

Calif. Judge Calls Law On Actors' Ages A Free Speech Threat

A California federal judge sided with IMDb.com in a hearing Thursday over a state law forcing the website to remove actors' ages on request, saying the law appeared to violate constitutional free speech protections so clearly that he didn't even need to hear IMDb's arguments for a stay.

CFPB Wins Full DC Circ. Review Of Leadership Ruling

The D.C. Circuit on Thursday granted a request from the Consumer Financial Protection Bureau for a full-panel rehearing of an October decision that ruled the federal consumer finance watchdog's structure unconstitutional.

PRODUCT LIABILITY

Missouri AG Lays Egg Law Appeal In Supreme Court

Missouri Attorney General Josh Hawley said Thursday he has appealed to the U.S. Supreme Court to pluck off a California law that prohibits the sale of eggs from chickens living in conditions that don't meet the Golden State's strict regulations.

GOVERNMENT CONTRACTS

F-35 Program Chief Says Costs Set To Drop Further

Costs of the F-35 fighter jet could soon drop by more than 15 percent, program chief Lt. Gen. Christopher Bogdan told lawmakers Thursday while also confirming that the CEO of Boeing Co. maker of a rival jet, had sat in on a call between President Donald Trump and Bogdan to discuss the program.

INTERNATIONAL TRADE

Chinese Cos. Say Commerce Used Wrong Cost Surrogate

A pair of Chinese chemical companies hit the U.S. Department of Commerce with a U.S. Court of International Trade lawsuit Wednesday, accusing the agency of imposing anti-dumping margins where there'd been none before and using the wrong country as a surrogate for costs.

Dems Leverage Trade Policy In Battle Over Trump's Finances

Democratic lawmakers introduced new legislation Thursday requiring the president to disclose any and all foreign commercial ties before pursuing trade initiatives, tethering the fight over President Donald Trump's finances to one of his signature policy issues.

TAX

'Cultural Services' Tax Exemption Up To EU Members: Court

A European Court of Justice panel dealt a blow to state-recognized "cultural bodies" Wednesday in holding that the British Film Institute isn't automatically entitled to an exemption from the United Kingdom's value added tax on its film screening tickets.

MEDICAL MALPRACTICE

Fla. Supreme Court Declines To Adopt Daubert Standard

The Florida Supreme Court declined Thursday to adopt a measure to bring state court standards for the admissibility of expert witnesses in line with federal courts, over concerns that doing so would undermine the right to a jury trial and inhibit access to the courts.

IMMIGRATION

Senate Bill Will Target Trump's Sanctuary City Order

A group of senators is taking aim at President Donald Trump's executive action targeting internal immigration enforcement that would pull funds from so-called sanctuary cities, Sen. Catherine Cortez Masto, D-Nev., announced on Thursday.

Trump Slams 9th Circ. As Court In 'Chaos,' 'Turmoil'

President Donald Trump slammed the Ninth Circuit on Thursday as a court in "chaos" and "turmoil," claiming at a news conference that the court has been overturned by the Supreme Court "at a record number," a record that's actually held by the Sixth Circuit, according to a recent Politifact study.

Reps. Oppose Extra Layer Of Screening At Canada Border

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Friday, February 17, 2017



TOP NEWS

Analysis

Smoother Road To Confirmation Seen For New DOL Chief Pick

President Donald Trump's nomination of former U.S. Attorney Alex Acosta to head the U.S. Department of Labor drew praise from management-side attorneys who believe he will adhere to the administration's less aggressive regulatory posture, while also garnering cautious optimism from unions who see his past public service as a sign he will dutifully enforce labor laws.

Mulvaney Gets Senate Approval As Trump Budget Officer

The Senate has approved President Donald Trump's pick for his top budget office, putting conservative Rep. Mick Mulvaney, R-S.C., at the head of the office responsible for the federal budget and managing many agencies.

Analysis

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Epstein Becker Green
Faegre Baker
Farella Braun
Fisch Sigler
Gibson Dunn
Goodwin
Hall Estill
Holland & Knight
Hueston Hennigan

Ex-DOJ Immigration Head: Travel Order Case A 'Close Call'

Leon Fresco, the former head of the government's Office of Immigration Litigation, dove into a range of hot-button topics in recent discussions with Law360, saying it was a "close call" whether the current version of the president's travel ban would be able survive court review.

Trump EPA Pick Pruitt Advances In Senate

Trump's choice to lead the Environmental Protection Agency has been set up for a final Senate vote, as Oklahoma Attorney General Scott Pruitt cleared a procedural vote Thursday.

9th Circ. Pauses Immigration Ban Suit At Trump's Request

Ninth Circuit Chief Justice Sidney R. Thomas late Thursday agreed to pause en banc proceedings over President Donald Trump's challenge of an order blocking the implementation of his immigration ban after the administration requested a freeze on the proceedings as it preps a new executive order.

House Acts To Clear Way For Planned Parenthood Defunding

The House passed a resolution Thursday to make it easier for states to defund Planned Parenthood, disapproving a federal rule that restricts states' ability to direct funding to the women's health care provider.

FCC's Pai Wants To Cut 'Red Tape' For Radio

Federal Communications Commission Chairman Ajit Pai said Thursday that he will not neglect radio during his chairmanship, pushing for modernized rules and the activation of smartphone FM chips to let users listen to radio over-the-air, though without a regulatory mandate.

Jackson Lewis
Jenner & Block
Jones Day
K&L Gates
Kirkland & Ellis
Laddey Clark
Mayer Brown
Nicoletti Hornig
O'Melveny & Myers
Ogletree Deakins
Patterson Belknap
Paul Hastings
Potter Minton
Prince Lobel
Quinn Emanuel
Ropes & Gray
Schiff Hardin
Seward & Kissel
Shapiro Haber
Skadden
Spector Gadon
Sullivan & Cromwell
Terrell Hogan
Weil Gotshal
Weiner Brodsky
White and Williams
Wilentz Goldman

COMPANIES

Alliance Defending Freedom
Amazon.com Inc.
America Fujikura Ltd.
American Bar Association
American Civil Liberties Union
American Commercial Lines Inc
American Federation of Labor and Congress of Industrial Organizations

Acting SEC Chair Curbs Enforcement Staff's Power

Acting U.S. Securities and Exchange Commission Chair Michael Piwowar has curtailed some powers of the agency's enforcement staff dating from the financial crisis, according to multiple media reports.

BANKING & SECURITIES

DC Circ. Agrees To Rethink SEC Judges' Constitutionality

The D.C. Circuit agreed Thursday to vacate a panel's finding that the U.S. Securities and Exchange Commission's in-house judges don't need presidential appointment and to rehear the case before the entire court, taking another look at an issue that has split circuits.

Euronext Says New Platform Shields From High-Speed Traders

European stock exchange operator Euronext said Wednesday it will partner with a U.S. financial technology company and launch a block-trading platform designed to enable investors to execute large orders without tipping their hat toward high-frequency traders

ENERGY & ENVIRONMENTAL

More Ex-EPA Employees Pile On Anti-Pruitt Bandwagon

The number of former U.S. Environmental Protection Agency employees opposed to the confirmation of Oklahoma Attorney General Scott Pruitt as EPA administrator has risen to more than 700, the Environmental Integrity Project said Thursday.

EPA Re-Floats Uranium Mine Rule, Yanks 30-Year Monitoring

The U.S. Environmental Protection Agency on Thursday re-proposed a rule imposing new health and environmental protection regulations for uranium ore extraction, and removed a requirement that mine operators monitor

American Federation of State,
County and Municipal Employees
American Federation of Television
and Radio Artists
American Insurance Association
CH Energy Group Inc.
CKE Restaurants, Inc.
Center for Biological Diversity Inc.
Comcast Corporation
ConAgra Foods, Inc.
Conservation Law Foundation
Devon Energy Corporation
Dr. Reddy's Laboratories Limited
Energy Transfer Partners, L.P.
Florida Bar Association
Fortress Investment Group LLC
Google Inc.
Helsinn Healthcare SA
Humane Society of the United
States
Intellectual Ventures
International Union Of Operating
Engineers
Koch Industries Inc.
Lockheed Martin
London Stock Exchange Group
PLC
Lyft Inc.
McDonald's Corporation
NBCUniversal Inc.
National Association of Insurance
Commissioners
National Association of Mutual
Insurance Companies
National Rifle Association of
America
New York State Bar Association
New York Times Co.
Occidental Petroleum Corporation
PHH Corporation

groundwater for 30 years after demonstrating that the groundwater chemistry is restored and stable.

EPA Cleared From Suit Over Fla. Water Quality Requirements

A Florida federal judge on Wednesday tossed a lawsuit accusing the U.S. Environmental Protection Agency of failing to correctly evaluate water quality requirements for Florida's waterways, a decision that came two years after the judge tossed a similar suit from the same environmental group.

FWS Released From Lawsuit Over Permit For Lynx Capture

The U.S. Fish and Wildlife Service was released from a lawsuit Wednesday brought by environmental and animal welfare groups suing it for issuing the state of Maine a permit that allowed the accidental capture of a threatened lynx species, with a federal judge finding that the service had a rational basis to issue the permit.

EPA Nominee Ordered To Hand Over Docs To Watchdog

An Oklahoma judge on Thursday ordered Scott Pruitt, President Donald Trump's nominee to lead the U.S. Environmental Protection Agency, to turn over to a watchdog group nearly 3,000 emails that purportedly reveal his ties to the fossil fuel industry, the group said.

Resolution Nixing Alaska Hunting Rule Clears House

Alaskan hunters could soon have more tools at their disposal again, after the House passed a measure on Thursday aimed at a federal rule limiting hunting practices on federal lands in the state.

Trump Inks Revocation Of Stream Protection Rule

President Donald J. Trump on Thursday signed a bill revoking a U.S. Department of the Interior

Planned Parenthood Federation
San Antonio Spurs
Sierra Club
SoftBank Group Corp.
Speedway LLC
Stepan Co.
The Boeing Company
Toshiba
U.S. Chamber of Commerce
Uber Technologies Inc.
United Brotherhood of Carpenters
Wal-Mart Stores Inc.

GOVERNMENT AGENCIES

Army Corps of Engineers
Bureau of Land Management
Consumer Financial Protection Bureau
Department of Commerce
Equal Employment Opportunity Commission
European Commission
Executive Office of the President
Federal Communications Commission
Federal Deposit Insurance Corp.
Fish and Wildlife Service
Florida Attorney General's Office
Florida Department of Environmental Protection
Government Accountability Office
Idaho Legislature
Illinois Supreme Court
Immigration and Customs Enforcement
International Trade Commission
NAFTA
National Labor Relations Board
National Railroad Passenger Corporation

rule aimed at minimizing coal mining's harm to surface water and groundwater, the second energy-related rule crafted by the Obama administration that's been killed through use of the Congressional Review Act.

HEALTH & LIFE SCIENCES

11th Circ. Strikes Down Fla. 'Gun Gag' Law

The Eleventh Circuit on Thursday struck down much of a Florida law curbing doctors from asking patients about firearm ownership, ruling that the "gun gag" law violates the First Amendment by impermissibly restricting physician speech.

Trump's CMS Pick Says Medicaid 'Doesn't Work Well'

The Trump administration's likely leader of the Centers for Medicare and Medicaid Services on Thursday sharply criticized Medicaid as rigid and underperforming, signaling that states will get more leeway to overhaul their programs.

Fla. High Court Blocks Enforcement Of Abortion Delay Law

The Florida Supreme Court reinstated a temporary injunction blocking a state law requiring women to wait 24 hours after an initial doctor's visit before obtaining an abortion, ruling Thursday that the abortion rights groups had shown they would likely succeed on the merits.

TRANSPORTATION & INFRASTRUCTURE

Uber Looks To Consolidate 4 Suits By Boston Taxi Cos.

Uber Technologies Inc. on Thursday asked a Massachusetts federal court to consolidate four cases brought by 265 local taxi companies accusing Uber of operating illegally in Boston and competing unfairly by not complying with local taxi ordinances.

New Jersey Attorney General's Office

Office of Surface Mining

Reclamation and Enforcement

Port Authority of New York & New Jersey

Securities and Exchange Commission

Shoshone-Bannock Tribes

Small Business Administration

Social Security Administration

Standing Rock Sioux Tribe

U.S. Air Force

U.S. Army

U.S. Attorney's Office

U.S. Consumer Product Safety Commission

U.S. Department of Agriculture

U.S. Department of Defense

U.S. Department of Health and Human Services

U.S. Department of Homeland Security

U.S. Department of Housing and Urban Development

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of the Interior

U.S. Department of the Treasury

U.S. Environmental Protection Agency

U.S. Supreme Court

Washington Attorney General's Office

Long-Term Surface Transpo Funding Fix Needed, Says GAO

The Government Accountability Office said Wednesday that Congress' failure to lock down a sustainable long-term plan to pay for U.S. surface transportation upgrades continues to be a "high-risk" public policy area that lawmakers must tackle.

NJ Judge Again Finds Probable Cause In Christie GWB Case

A New Jersey judge on Thursday again found probable cause in an activist's criminal complaint accusing Gov. Chris Christie of official misconduct over politically motivated lane closures at the George Washington Bridge, sending the matter to prosecutors who have already said they won't pursue charges against the governor.

Port Authority OKs \$32.2B Capital Plan For Transpo Projects

The Port Authority of New York & New Jersey on Thursday signed off on a \$32.2 billion, 10-year capital plan, advancing plans to fund a new bus terminal on Manhattan's west side, the long-awaited third tunnel under the Hudson River, and the ongoing redevelopment of LaGuardia Airport.

INSURANCE

House Lawmakers Seek Clarity On US-EU Insurance Pact

A U.S. House panel on Thursday pressed for more clarity on a new bilateral agreement between the U.S. and European Union designed to place insurers and reinsurers in the two jurisdictions on equal footing, as regulators and insurance trade groups presented wildly divergent views on the pact.

EMPLOYMENT

Wash. High Court Rebuffs Florist's Same-Sex Objections

A Washington florist who refused to serve a same-sex wedding, citing religious objections, violated state anti-discrimination laws and is not protected by the First Amendment, the Washington Supreme Court unanimously ruled Thursday.

Ill. Must Keep Paying Workers In Budget Impasse, Judge Says

State workers in Illinois will continue to get paid through the state's historic budget impasse now that a St. Clair County judge on Thursday denied Attorney General Lisa Madigan's request to halt the paychecks of 63,000 employees until lawmakers and the governor approve a budget.

2 Dems Offer Trump Road Map To Revamp NAFTA

Two House Democrats extended an olive branch to President Donald Trump on Thursday by offering to help him renegotiate the North American Free Trade Agreement, laying out a road map that would increase the deal's labor and environmental rules and do away with its controversial arbitration panels.

Trump Picks Former US Attorney Acosta To Lead DOL

President Donald Trump on Thursday tapped law school dean R. Alexander Acosta — a former U.S. attorney for the Southern District of Florida, one-time National Labor Relations Board member and the first Hispanic to ascend to the top of the U.S. Department of Justice's Civil Rights Division — to serve as secretary of labor.

Ill. Village Asks 7th Circ. To OK 'Right-to-Work' Rule

The Illinois community whose right-to-work ordinance was struck down by a federal judge last month appealed to the Seventh Circuit this week, arguing that the January decision runs afoul of a Sixth Circuit decision that allowed the

union-weakening statute for counties in Kentucky.

COMPETITION

Gas Station Chain Sues NJ Over Fuel Price Law

Gas station chain Speedway LLC has filed a lawsuit alleging New Jersey's law prohibiting below-cost vehicle fuel sales is unconstitutional because it violates the common-law right to sell goods at any price upon which the retailer and purchaser agree

PRIVACY & CONSUMER PROTECTION

Calif. Judge Calls Law On Actors' Ages A Free Speech Threat

A California federal judge sided with IMDb.com in a hearing Thursday over a state law forcing the website to remove actors' ages on request, saying the law appeared to violate constitutional free speech protections so clearly that he didn't even need to hear IMDb's arguments for a stay.

CFPB Wins Full DC Circ. Review Of Leadership Ruling

The D.C. Circuit on Thursday granted a request from the Consumer Financial Protection Bureau for a full-panel rehearing of an October decision that ruled the federal consumer finance watchdog's structure unconstitutional.

PRODUCT LIABILITY

Missouri AG Lays Egg Law Appeal In Supreme Court

Missouri Attorney General Josh Hawley said Thursday he has appealed to the U.S. Supreme Court to pluck off a California law that prohibits the sale of eggs from chickens living in conditions that don't meet the Golden State's strict regulations.

GOVERNMENT CONTRACTS

F-35 Program Chief Says Costs Set To Drop Further

Costs of the F-35 fighter jet could soon drop by more than 15 percent, program chief Lt. Gen. Christopher Bogdan told lawmakers Thursday while also confirming that the CEO of Boeing Co. maker of a rival jet, had sat in on a call between President Donald Trump and Bogdan to discuss the program.

INTERNATIONAL TRADE

Chinese Cos. Say Commerce Used Wrong Cost Surrogate

A pair of Chinese chemical companies hit the U.S. Department of Commerce with a U.S. Court of International Trade lawsuit Wednesday, accusing the agency of imposing anti-dumping margins where there'd been none before and using the wrong country as a surrogate for costs.

Dems Leverage Trade Policy In Battle Over Trump's Finances

Democratic lawmakers introduced new legislation Thursday requiring the president to disclose any and all foreign commercial ties before pursuing trade initiatives, tethering the fight over President Donald Trump's finances to one of his signature policy issues.

TAX

'Cultural Services' Tax Exemption Up To EU Members: Court

A European Court of Justice panel dealt a blow to state-recognized "cultural bodies" Wednesday in holding that the British Film Institute isn't automatically entitled to an exemption from the United Kingdom's value added tax on its film screening tickets.

MEDICAL MALPRACTICE

Fla. Supreme Court Declines To Adopt Daubert Standard

The Florida Supreme Court declined Thursday to adopt a measure to bring state court standards for the admissibility of expert witnesses in line with federal courts, over concerns that doing so would undermine the right to a jury trial and inhibit access to the courts.

IMMIGRATION

Senate Bill Will Target Trump's Sanctuary City Order

A group of senators is taking aim at President Donald Trump's executive action targeting internal immigration enforcement that would pull funds from so-called sanctuary cities, Sen. Catherine Cortez Masto, D-Nev., announced on Thursday.

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To: Rep07

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How Gun Silencers Became a Health Issue | Decline of Unions Levels Playing Field
for Trump | Trump Right to Fix Obama's Transgender School Policy | Why Russian
Military Aggression Has Backfired on Moscow

TOP FIVE

Feb. 25, 2017



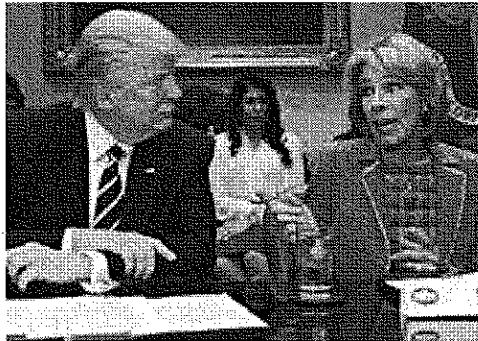
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Underreported: How Gun Silencers Became a Health Issue

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Trump Right to Fix Obama's Unlawful Transgender School Policy

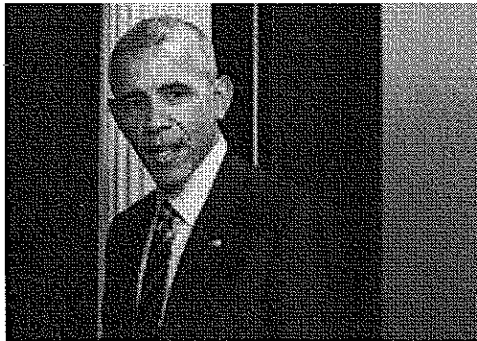
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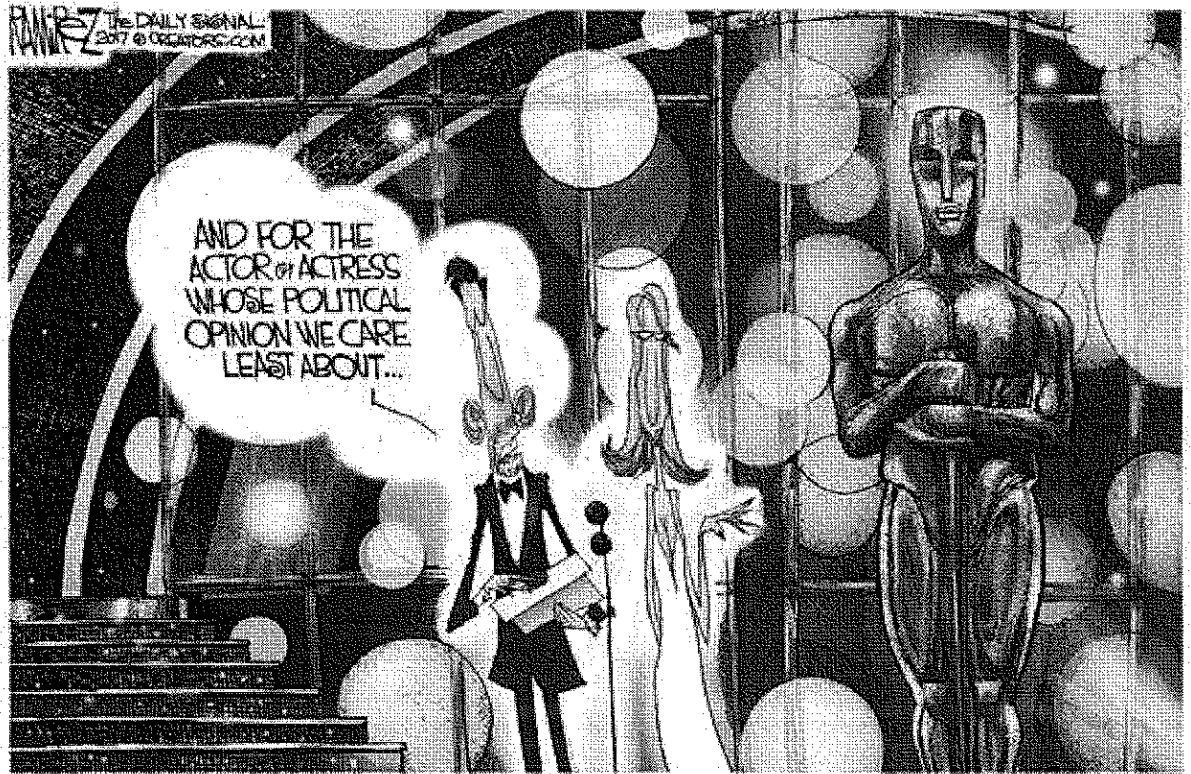


Why Obamacare's '20 Million' Number Is Fake

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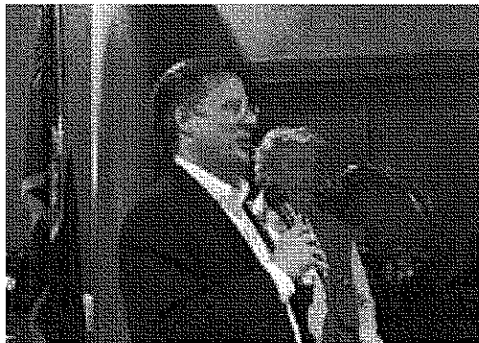
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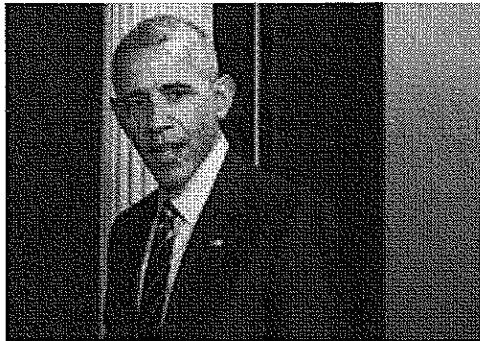
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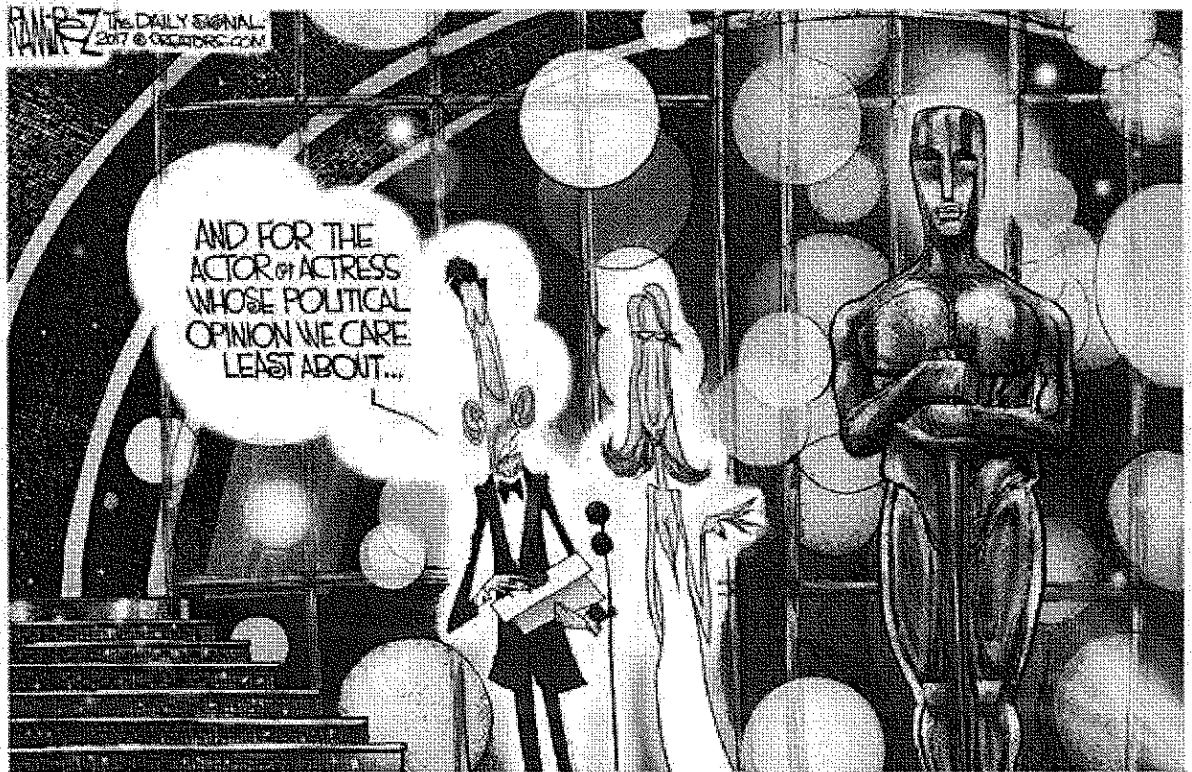
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From: egoldbach10@jcu.edu
Sent: Tuesday, February 28, 2017 7:58 AM
To: Rep07
Subject: Please Oppose Right to Work

Follow Up Flag: Follow up
Flag Status: Completed

First Name : Eliese

Last Name : Goldbach

Address : 8545 Evergreen Trail

City : Olmsted Falls

State : OH

Zip : 44138

Phone : 216.409.3637

Email : egoldbach10@jcu.edu

Subject :
Please Oppose Right to Work

Message :

Representative Patton:

As a member of the Steelworkers' Union, I'd like to encourage you to oppose any Right To Work legislation in the Ohio House. Please encourage your compatriots to do the same. Such legislation threatens our unions, which provide safety and security to workers.

Thank you for your time.

Best,
Eliese

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Sent: Tuesday, February 28, 2017 7:58 AM
To: Rep07
Subject: Please Oppose Right to Work

Follow Up Flag: Follow up
Flag Status: Completed

First Name : Eliese

Last Name : Goldbach

Address : 8545 Evergreen Trail

City : Olmsted Falls

State : OH

Zip : 44138

Phone : 216.409.3637

Email : egoldbach10@jcu.edu

Subject :
Please Oppose Right to Work

Message :

Representative Patton:

As a member of the Steelworkers' Union, I'd like to encourage you to oppose any Right To Work legislation in the Ohio House. Please encourage your compatriots to do the same. Such legislation threatens our unions, which provide safety and security to workers.

Thank you for your time.

Best,
Eliese

From: Munsup @SISCOM Seoh
Sent: Wednesday, March 1, 2017 7:02 PM
To: munsup@dkumc.net
Subject: [mpen-cleveland] FW: "Right to work is the wrong solution for Ohio" & "Bernie Sanders' BRILLIANT Response To Trump's Speech To Congress" and more

FYI. Best, Munsup

P.S. Please reply back to me with 'unsubscribe' added to the subject line if you no longer want to receive my e-Newsletters. The convenient link to unsubscribe is no longer available due to security reasons to protect my email servers.

-
- FW: NYT Today's Headline: Trump Embraces 'Enemy of the People,' a Phrase With a Fraught History
 - FW: Rudy Fichtenbaum: Right to work is the wrong solution for Ohio
 - FW: HR 676 Reintroduced!
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 - FW: TAKE ACTION: Protect and Defend our Voting Rights
 - FW: Robert Mercer - the greatest threat to American Democracy living today
 - FW: WINNABLE: Getting Bannon off the NSC

From: NYTimes.com

Subject: NYT Today's Headline: Trump Embraces 'Enemy of the People,' a Phrase With a Fraught History

Trump Embraces 'Enemy of the People,' a Phrase With a Fraught History

By **ANDREW HIGGINS** FEB. 26, 2017



**President Trump on Friday at the Conservative Political Action Conference in Oxon Hill, Md.
Credit Doug Mills/The New York Times**

MOSCOW — The phrase was too toxic even for Nikita Khrushchev, a war-hardened veteran communist not known for squeamishness. As leader of the Soviet Union, he demanded an end to the use of the term “enemy of the people” because “it eliminated the possibility of any kind of ideological fight.”

“The formula ‘enemy of the people,’” Mr. Khrushchev told the Soviet Communist Party in a 1956 speech denouncing Stalin’s cult of personality, “was specifically introduced for the purpose of physically annihilating such individuals” who disagreed with the supreme leader. It is difficult to know if President Trump is aware of the historic resonance of the term, a label generally associated with despotic communist governments rather than democracies. But his decision to unleash the terminology has left some historians scratching their heads. Why would the elected leader of a democratic nation embrace a label that, after the death of Stalin, even the Soviet Union found to be too freighted with sinister connotations?

Nina Khrushcheva, the great-granddaughter of Mr. Khrushchev and a professor of international affairs at the New School in New York, said the phrase was “shocking to hear in a non-Soviet, moreover non-Stalinist setting.” Her great-grandfather, she said, “of course

also used Soviet slogans and ideological idioms but still tried to stay away from sweeping denunciations of whole segments of the Soviet population.”

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In Mr. Trump’s case, however, he is branding as enemies a segment of the American population — specifically representatives of what he calls the “fake news” media, including The New York Times.

He has used the phrase more than once, including Friday during [an attack on the news media at a conservative gathering](#) in which he said that some reporters were making up unnamed sources to attack him.

“A few days ago, I called the fake news the enemy of the people because they have no sources — they just make it up,” the president said, adding that [the label](#) applied only to “dishonest” reporters and editors. Hours later, Sean Spicer, the White House press secretary, barred journalists from several news organizations, including The Times, from attending a briefing in his office.

By using the phrase and placing himself in such infamous company, at least in his choice of vocabulary to attack his critics, Mr. Trump has demonstrated, Ms. Khrushcheva said, that the language of “autocracy, of state nationalism is always the same regardless of the country, and no nation is exempt.” She added that, in all likelihood, Mr. Trump had not read Lenin, Stalin or Mao Zedong, but the “formulas of insult, humiliation, domination, branding, enemy-forming and name calling are always the same.”

The White House did not respond to a request for comment.

The phrase “enemy of the people” first entered the political lexicon in 1789, with the French Revolution. The revolutionaries initially used it as a slogan that was hurled willy-nilly at anybody who opposed them. But, as resistance to the revolution mounted, the term acquired a far more lethal and legalistic meaning with the adoption of a 1794 law that set up a revolutionary tribunal “to punish enemies of the people” and codified political crimes punishable by death. These included “spreading false news to divide or trouble the people.”

The concept resurfaced in a more benign form nearly a century later in “An Enemy of the People,” an 1882 play by the Norwegian writer Henrik Ibsen about an idealistic whistle-



the Soviet leader Nikita Khrushchev at the United Nations in 1960. In a 1956 speech, he demanded an end to the term "enemy of the people."

Credit Agence France-Presse — Getty Images

blower in a small town at odds with the authorities and locals who, to protect the economy, want to suppress information about water contamination. The Bolshevik Revolution of 1917 returned the term to the blood-drenched dramas of the French Revolution, with Lenin declaring in Pravda that the Jacobin terror against "enemies of the people" was "instructive" and needed to be revived, so as to rid the Russian people of "landowners and capitalists as a class."

Stalin, who took over as Soviet leader upon Lenin's death in 1924, drastically expanded the scope of those branded as "enemies of the people," targeting not only capitalists but also dedicated communists who had worked alongside Lenin for years, but whom Stalin viewed as rivals.

"In essence, it was a label that meant death. It meant you were subhuman and entirely expendable," said Mitchell A. Orenstein, professor of Russian and East European Studies at the University of Pennsylvania. "This is the connotation for anyone who lived in the Soviet Union or knows anything about the Soviet Union, which Donald Trump obviously doesn't — or he doesn't care."

He said that it was hard to figure out whether Mr. Trump was aware of the resonance of the phrase or simply used it because "he knows it riles up people who have a certain degree of knowledge."

"He is only alienating them, and they are the people he wants to alienate anyway," Mr. Orenstein continued. "His base sees comparisons with Stalin as just more evidence of the liberal mainstream media going haywire."

Moreover, by using such a loaded term in such a cavalier fashion, the president "is in the process of rendering it meaningless," Mr. Orenstein said. "It becomes just na-na-na-na-na," he added, because nobody really thinks Mr. Trump will bring back the guillotine.

Philip Short, a British author who has written biographies of Mao and Cambodia's genocidal leader Pol Pot, said Mr. Trump delighted in "shaking things up, and this kind of language does just that."

"We try to analyze it from an establishment point of view, but this leads nowhere," he added. "I don't know if Trump has ever read Stalin, but if he wants to destabilize people, he is doing it perfectly."

William Taubman, the author of a biography of Khrushchev and emeritus professor of political science at Amherst College, said it was "shocking" that Mr. Trump would revive a term that had fallen into disrepute in the Soviet Union after Stalin's death in 1953. "It was so omnipresent, freighted and devastating in its use under Stalin that nobody wanted to touch it," he said. "I have never heard it used in Russia except in reference to history and in jokes."

Ms. Khrushcheva said Mr. Trump had "been using a lot of this kind of political-ideological branding" favored by revolutionary leaders, deploying terms like "liberal sympathizer" and "language about gloom and doom in America that is much more forcefully negative than that even used by the Russians."

He has also gone one step further than Chinese and Khmer Rouge communists in Cambodia, who generally preferred homegrown insults to those imported from the Soviet Union.

Mr. Short, the Mao and Pol Pot biographer, said Chinese and Cambodian communists, all fiercely nationalistic, rarely if ever used "enemy of the people" in domestic political struggles because it was an alien import. Instead, Pol Pot attacked enemies as "ugly microbes" who would "rot society, rot the party and rot the country from within," while Maoists coined insults like "the stinking ninth category" to denounce experts and intellectuals.

Mao, Mr. Short said, "used Chinese expressions and spoke like a Chinese, not a Russian."

"He did not use the Soviet jargon much," Mr. Short said. "But Mr. Trump does, which is extraordinary."

Mao did on occasion use "enemy of the people," but he directed it not at his domestic foes but at the United States, declaring in 1964 that "U.S. imperialism is the most ferocious enemy of the people of the entire world."

“Politicians normally use phrases that resonate with their own people,” Mr. Short said. “Mao and Pol Pot did not just regurgitate Stalinist terms. What is extraordinary about Trump is that he has taken up a Stalinist phrase that is entirely alien to American political culture.”

Julie Hirschfeld Davis contributed reporting from Washington.

From: Rudy Fichtenbaum; Professor Emeritus of Economics at Wright State University

Subject: Rudy Fichtenbaum: Right to work is the wrong solution for Ohio

Rudy Fichtenbaum: Right to work is the wrong solution for Ohio

Monday Posted Jan 23, 2017 at 5:00 AM

With Kentucky becoming the nation's 27th right-to-work state, it's more important than ever that people understand that right-to-work is wrong for Ohio.

Ohio is nearly surrounded by a right-to-work-is-wrong desert; states where the middle class has been decimated.

Those who favor right-to-work-is-wrong argue that average job growth is greater. Averages can be deceiving. If I have \$2 million and you have nothing, on average, we are both millionaires. Proponents correlate average job growth with right-to-work-is-wrong status. But like averages, correlations can also be misleading. For example, a recent study found that average job growth was higher in states whose names start with N-Z than states whose names start with A-M. But no one believes that changing the name of a state will spur job growth.

If one looks at the 20 states with the highest job growth, 10 were free-bargaining states and 10 were right-to-work-is-wrong states.

In right-to-work-is-wrong states, workers make less money and are less likely to have retirement benefits and employer-sponsored health insurance. It's a power and money grab by the rich. Wages in right-to-work-is-wrong states are \$1,500 per year less than in free-bargaining states. This wage cut would cause a loss of more than 8,000 jobs in Ohio, having a huge impact on our local communities. There would be less money for our local schools and fewer dollars to spend supporting local businesses.

Rudy Fichtenbaum: Right to work is the wrong solution for Rudy Fichtenbaum: Right to work is the wrong solution for Ohio Ohio

Deaths on the job are also much higher in right-to-work-is-wrong states. In fact, right-to-work-is-wrong states are so unsafe that death rates on the job are 36 percent higher. That's because workers lose their voices and their ability to stand up for themselves and their own

safety.

Here's the thing, voters have never passed right-to-work-is-wrong. Like in Kentucky, right-to-work-is-wrong has always been rammed through statehouses by extreme lawmakers and signed by governors in the dead of the night. The people don't support right-to-work-is-wrong because they see right through it. When was the last time millionaires and billionaires spent millions of dollars to give workers more rights and freedom on the job? Never. They want to divide workers so they can have complete control over the workplace.

Plus, right-to-work-is-wrong is not a job creator. There is absolutely no evidence that proves reducing wages, benefits and safety creates any jobs. It's a fallacy and a myth when extreme lawmakers say businesses consider right-to-work-is-wrong in their relocation decisions. It's never even on their radar. Employers are looking for qualified and dedicated employees, good neighborhoods and high quality of life.

Right-to-work-is-wrong divides workers. No one is required to join a union and unions have to represent everyone on the job regardless of their status. However, right-to-work-is-wrong allows some workers to be free-riders, paying nothing but still receiving union representation. This weakens unions because it weakens their ability to fight for workers, and that hurts all of us.

Ohio would be smart to not go right-to-work-is-wrong because our workers will want to continue to work here. And our workers will be better trained, more professional, safer and more dedicated.

Businesses are always in search of high-quality employees. And by rejecting right-to-work-is-wrong, we can continue to foster a large pool of qualified workers. That's what helps companies and economies grow.

Understand that the chances of your family being killed or hurt on the job is lower. Your income will be higher, and you'll help us spur more economic development. You'll be able to afford your neighbors' goods and services and your neighbors will be able to afford your goods and services.

Right-to-work-is-wrong is wrong for Ohio. Wrong for working and middle-class families. Wrong for all of us.

From: SPAN Ohio

Subject: HR 676 Reintroduced!

HR 676 Reintroduced!

Congressman **John Conyers** of Michigan has reintroduced HR 676, the Expanded and Improved Medicare for All Act. We are pleased to see three Ohio members of

Congress represented in the 51 original sponsors: Rep. Marcy Kaptur, Rep. Joyce Beatty and Rep. Tim Ryan. If these are your representatives in Congress, do take the time to thank them. Congressional staffers don't get a lot of calls like that and you just might make their day.

Where's Marcia?

The three co-sponsors of the bill are all Democrats, but they don't make up the entire Democratic delegation from Ohio. Missing is **Marcia Fudge**. Marcia has been missing for quite some time now. She was a co-sponsor prior to the enactment of the ACA but dropped out when the ACA was passed. Now is the time for Marcia to return to the fold, but she needs some encouragement.

If you are a constituent of Marcia Fudge's, please let her know that you want her to co-sponsor this bill. The number for her Washington DC office is 202-225-7032.

Other Members of Congress

Should you call your Republican member of Congress about HR 676? Absolutely! Whether they support it or not, they need to hear from you. One of the reasons we don't have bipartisan support is because we shy away from contacting them. They need to know where you stand on the issues as well. Be inclusive of them and always work to lead them in the right direction. **Call the switchboard at 202-224-3121** and tell them who your representative is. If you don't know, they'll figure it out for you!

Toll Free Numbers for Congress

We've been asked to provide a toll-free number for members of Congress. Unfortunately, unless the individual member of Congress provides a toll-free number, there is no specific toll free number for contacting members of Congress. Occasionally, you will see a toll-free number and it will work, for a time. Those numbers are sponsored by organizations that are conducting a specific campaign and the numbers are good for the duration of the campaign, but afterward go away. We hesitate to provide the one recently given to us because it may no longer be any good.

SPAN Action

SPAN Activists were busy in the past two weeks making presentations at almost all of the January 15th actions as well as those last weekend. Many thanks for those who represented SPAN so well in Dayton, Cincinnati, Toledo, Cleveland, Kent, Columbus and Athens.

State Council Meeting

SPAN State Council will meet on **February 4th at the Unitarian Church in Columbus**, 93 W. Weisheimer Road. The meeting will start at 10:00 am and go to 1:00 pm. At that time, there will be a short break to get some lunch followed by a workshop from 1:30 pm to 2:30 pm on Effective Messaging. Those wishing to participate are encouraged to read George Lakoff's "Don't Think of an Elephant," but

there is no requirement.

All are welcome to attend both the meeting and the workshop.

Save the Date – State Conference on April 29th!

The annual SPAN State Conference will take place on **April 29th at the Quest Business and Conference Center**, 8405 Pulsar Place, Columbus. We have a very exciting program for you, leading off with Greg Coleridge on the corporate takeover of healthcare – is it a symptom of a sick healthcare system or a sick democracy?

Registration will be opening soon. In an effort to cut costs, we will only mail registration forms to those without email addresses. Those with an email address will receive instructions on how to download the registration form from our website. Watch for the email announcing it!

From: Sang Kang

Subject: The 5 Jobs Robots Will Take First

<https://www.linkedin.com/pulse/5-jobs-robots-take-first-shelly-palmer?trk=email-feed-ecosystem-digest-01-hero-0-null&midToken=AQHKfUzjAibcA&fromEmail=fromEmail&ut=1n9EYbG01pw7E1>

From: Andrew Tierman

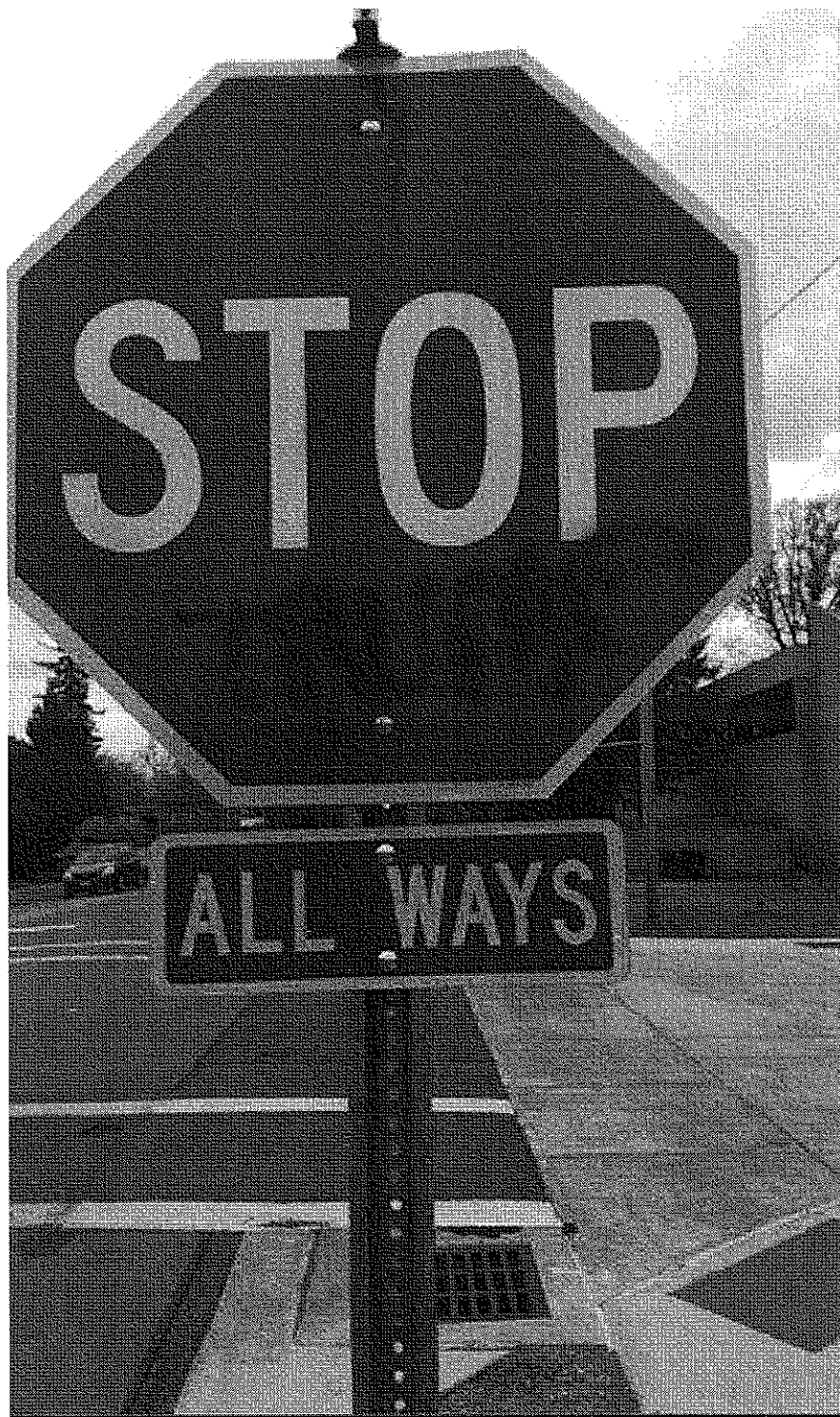
Subject: what do you think this is??

?white power hand signals broadcast from white house?!

http://www.dailykos.com/stories/2017/2/21/1636419/-Yes-Trump-s-Aide-Really-Did-Throw-White-Power-Sign?detail=email&link_id=1&can_id=bcc3c8fa6fec6bd434303fbc1c0639be&source=email-yes-trumps-aide-really-did-throw-white-power-sign-4&email_referrer=yes-trumps-aide-really-did-throw-white-power-sign-4&email_subject=yes-trumps-aide-really-did-throw-white-power-sign

From: Larry

Subject: Stop Trump All Ways



From: tbacane

Subject: FW: MUST VIEW: Bernie Sanders' BRILLIANT Response To Trump's Speech To Congress

Senator Sanders is absolutely right and hopefully more senators of both parties will begin to speak out against Trump and his lies and double speak. Please share the Senator's response with your contacts.

Bernie Sanders' BRILLIANT Response To Trump's Speech To Congress - YouTube (or <https://youtu.be/8eK-5ivYb3o>)

Bernie Sanders isn't buying what Donald Trump is selling. In his response to the President's first speech before Congress, Sanders calls out Trump for going back on his campaign promises, lying about corporate tax rates, and continues his push for a single-payer healthcare system.

Reflect this video on your Facebook: <http://tinyurl.com/gsolq4w>

Reflect this video on your Twitter: <http://tinyurl.com/h59e7ap>

Reflect on Facebook <http://on.fb.me/1Oi1dbH>

Reflect on Twitter <http://twitter.com/ReflectorVideo>

Ralph Nader on Trump's Speech to Congress - YouTube

<https://www.youtube.com/watch?v=ECECWTV6VTw>

Ralph Nader tells Paul Jay that Trump's attack on the EPA and regulatory agencies will be a disaste

From: LinkedIn

Subject: Years into Obamacare, health insurance is still a prime reason people hold on to their jobs — LinkedIn survey

**Years into Obamacare, health insurance is still a prime
reason
people hold on to their jobs — LinkedIn survey**

Beth Kutscher, News Editor - Healthcare at LinkedIn

From: Jeanette Senecal; League of Women Voters

Subject: TAKE ACTION: Protect and Defend our Voting Rights

Together, through our votes, we take control over what happens to our families and communities.

But voting rights across the country are under attack – **join with fellow voters and pledge to honor and protect our constitutional right to vote.**

Voting brings us together as Americans – *it is the one time when we are all equal*. It doesn't matter if you're rich or poor, young or old, liberal or conservative; elections are our opportunity to have a say in America's future. A lot is at stake in every election – by voting, we're taking control and impacting the issues and policies that will be debated and affect our daily lives.

It is critical that we ensure every American can cast a vote and have it counted. **Our democracy's future is on the line – pledge to protect voting rights.**

Rooted in the movement that secured the right to vote for women, the League of Women Voters has always been committed to registering and turning out voters, and *we're not stopping now*. We protect and defend voting rights across the country in order to ensure that our elections are fair, free and accessible to all eligible citizens. We've helped defeat laws that restrict voters' rights, block such laws where they have already passed, and fight laws designed to curb organizations like ours from registering voters.

Ultimately elections are about voters like you. **Join us in protecting voting rights and safeguarding this right for all Americans.**


From: Eric Kramer

Subject: Robert Mercer - the greatest threat to American Democracy living today

https://www.theguardian.com/politics/2017/feb/26/robert-mercero-breitbart-war-on-media-steve-bannon-donald-trump-nigel Farage?CMP=share_btn_fb

From: Granate Sosnoff; Communications Strategist, Jewish Voice for Peace

Subject: WINNABLE: Getting Bannon off the NSC





Be like these JVP members at the Women's March in Washington. Resist Bannon and his agenda.

[SIGN ON HERE](#)

What is JVP doing to fight Trump?

For one thing, we're fighting Steve Bannon: the white supremacist, antisemitic, Islamophobe behind the many-headed hydra of Trump's Executive Orders.

Will you help us show up strong as the only explicitly pro-Palestinian human rights group on this new roster of progressives fighting this neo-Nazi?

If you're like me you probably feel overwhelmed right now. It's hard to find a fighting stance when you're getting hit with a Muslim travel ban, deportations of immigrants, a surge in hate crimes, desecration of a Jewish cemetery in St. Louis, and the heartbreak of Standing Rock.

There are indeed "dark" forces at work, and chief among them is white-supremacist Steve Bannon. We need to get him kicked off the National Security Council.

Bannon has said things like: "Darkness is good. Dick Cheney. Darth Vader. Satan. That's power."

So is there a glimmer of hope, an opening to get at Bannon?

YES. By appointing Bannon to the National Security Council Trump himself created a way for us to curb Bannon's power. ***Congress has the power to kick Bannon off the NSC - and we can make them do that.***

Sign on TODAY — tell Congress to use its authority to kick Steve Bannon off the National Security Council!

We've joined with a powerful group of progressive organizations including ColorOfChange, Courage Campaign, Greenpeace, and MPower Change. It will take a large-tent partnership to take him on - and the fact that our logo is in there says a lot about our changing times.

We need to charge head on as a united front so Congress hears from as many of us as possible. Congress created the National Security Council and has the power to regulate it.

Let's make they sure they fight back. Join the 400,000 people who have already asked Congress to stand up to Steve Bannon and protect our democracy.

This is a fight we can win. Join me so we can.

1. <http://www.hollywoodreporter.com/news/steve-bannon-trump-tower-interview-trumps-strategist-plots-new-political-movement-948747>

End of MPEN e-Newsletter

From: Munsup @SISCOM Seoh
Sent: Wednesday, March 1, 2017 7:02 PM
To: munsup@dkumc.net
Subject: [mpen-cleveland] FW: "Right to work is the wrong solution for Ohio" & "Bernie Sanders' BRILLIANT Response To Trump's Speech To Congress" and more

FYI. Best, Munsup

P.S. Please reply back to me with 'unsubscribe' added to the subject line if you no longer want to receive my e-Newsletters. The convenient link to unsubscribe is no longer available due to security reasons to protect my email servers.

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From: NYTimes.com

Subject: NYT Today's Headline: Trump Embraces 'Enemy of the People,' a Phrase With a Fraught History

Trump Embraces 'Enemy of the People,' a Phrase With a Fraught History

By **ANDREW HIGGINS** FEB. 26, 2017



**President Trump on Friday at the Conservative Political Action Conference in Oxon Hill, Md.
Credit Doug Mills/The New York Times**

MOSCOW — The phrase was too toxic even for Nikita Khrushchev, a war-hardened veteran communist not known for squeamishness. As leader of the Soviet Union, he demanded an end to the use of the term “enemy of the people” because “it eliminated the possibility of any kind of ideological fight.”

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the Soviet leader Nikita Khrushchev at the United Nations in 1960. In a 1956 speech, he demanded an end to the term "enemy of the people."

Credit: Agence France-Presse — Getty Images

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Moreover, by using such a loaded term in such a cavalier fashion, the president "is in the process of rendering it meaningless," Mr. Orenstein said. "It becomes just na-na-na-na-na," he added, because nobody really thinks Mr. Trump will bring back the guillotine.

Philip Short, a British author who has written biographies of Mao and Cambodia's genocidal leader Pol Pot, said Mr. Trump delighted in "shaking things up, and this kind of language does just that."

"We try to analyze it from an establishment point of view, but this leads nowhere," he added. "I don't know if Trump has ever read Stalin, but if he wants to destabilize people, he is doing it perfectly."

William Taubman, the author of a biography of Khrushchev and emeritus professor of political science at Amherst College, said it was "shocking" that Mr. Trump would revive a term that had fallen into disrepute in the Soviet Union after Stalin's death in 1953. "It was so omnipresent, freighted and devastating in its use under Stalin that nobody wanted to touch it," he said. "I have never heard it used in Russia except in reference to history and in jokes."

Ms. Khrushcheva said Mr. Trump had "been using a lot of this kind of political-ideological branding" favored by revolutionary leaders, deploying terms like "liberal sympathizer" and "language about gloom and doom in America that is much more forcefully negative than that even used by the Russians."

He has also gone one step further than Chinese and Khmer Rouge communists in Cambodia, who generally preferred homegrown insults to those imported from the Soviet Union.

Mr. Short, the Mao and Pol Pot biographer, said Chinese and Cambodian communists, all fiercely nationalistic, rarely if ever used "enemy of the people" in domestic political struggles because it was an alien import. Instead, Pol Pot attacked enemies as "ugly microbes" who would "rot society, rot the party and rot the country from within," while Maoists coined insults like "the stinking ninth category" to denounce experts and intellectuals.

Mao, Mr. Short said, "used Chinese expressions and spoke like a Chinese, not a Russian."

"He did not use the Soviet jargon much," Mr. Short said. "But Mr. Trump does, which is extraordinary."

Mao did on occasion use "enemy of the people," but he directed it not at his domestic foes but at the United States, declaring in 1964 that "U.S. imperialism is the most ferocious enemy of the people of the entire world."

“Politicians normally use phrases that resonate with their own people,” Mr. Short said. “Mao and Pol Pot did not just regurgitate Stalinist terms. What is extraordinary about Trump is that he has taken up a Stalinist phrase that is entirely alien to American political culture.”

Julie Hirschfeld Davis contributed reporting from Washington.

From: Rudy Fichtenbaum; Professor Emeritus of Economics at Wright State University
Subject: Rudy Fichtenbaum: Right to work is the wrong solution for Ohio

Rudy Fichtenbaum: Right to work is the wrong solution for Ohio

Monday Posted Jan 23, 2017 at 5:00 AM

With Kentucky becoming the nation's 27th right-to-work state, it's more important than ever that people understand that right-to-work is wrong for Ohio.

Ohio is nearly surrounded by a right-to-work-is-wrong desert; states where the middle class has been decimated.

Those who favor right-to-work-is-wrong argue that average job growth is greater. Averages can be deceiving. If I have \$2 million and you have nothing, on average, we are both millionaires. Proponents correlate average job growth with right-to-work-is-wrong status. But like averages, correlations can also be misleading. For example, a recent study found that average job growth was higher in states whose names start with N-Z than states whose names start with A-M. But no one believes that changing the name of a state will spur job growth.

If one looks at the 20 states with the highest job growth, 10 were free-bargaining states and 10 were right-to-work-is-wrong states.

In right-to-work-is-wrong states, workers make less money and are less likely to have retirement benefits and employer-sponsored health insurance. It's a power and money grab by the rich. Wages in right-to-work-is-wrong states are \$1,500 per year less than in free-bargaining states. This wage cut would cause a loss of more than 8,000 jobs in Ohio, having a huge impact on our local communities. There would be less money for our local schools and fewer dollars to spend supporting local businesses.

Rudy Fichtenbaum: Right to work is the wrong solution for Rudy Fichtenbaum: Right to work is the wrong solution for Ohio Ohio

Deaths on the job are also much higher in right-to-work-is-wrong states. In fact, right-to-work-is-wrong states are so unsafe that death rates on the job are 36 percent higher. That's because workers lose their voices and their ability to stand up for themselves and their own

safety.

Here's the thing, voters have never passed right-to-work-is-wrong. Like in Kentucky, right-to-work-is-wrong has always been rammed through statehouses by extreme lawmakers and signed by governors in the dead of the night. The people don't support right-to-work-is-wrong because they see right through it. When was the last time millionaires and billionaires spent millions of dollars to give workers more rights and freedom on the job? Never. They want to divide workers so they can have complete control over the workplace.

Plus, right-to-work-is-wrong is not a job creator. There is absolutely no evidence that proves reducing wages, benefits and safety creates any jobs. It's a fallacy and a myth when extreme lawmakers say businesses consider right-to-work-is-wrong in their relocation decisions. It's never even on their radar. Employers are looking for qualified and dedicated employees, good neighborhoods and high quality of life.

Right-to-work-is-wrong divides workers. No one is required to join a union and unions have to represent everyone on the job regardless of their status. However, right-to-work-is-wrong allows some workers to be free-riders, paying nothing but still receiving union representation. This weakens unions because it weakens their ability to fight for workers, and that hurts all of us.

Ohio would be smart to not go right-to-work-is-wrong because our workers will want to continue to work here. And our workers will be better trained, more professional, safer and more dedicated.

Businesses are always in search of high-quality employees. And by rejecting right-to-work-is-wrong, we can continue to foster a large pool of qualified workers. That's what helps companies and economies grow.

Understand that the chances of your family being killed or hurt on the job is lower. Your income will be higher, and you'll help us spur more economic development. You'll be able to afford your neighbors' goods and services and your neighbors will be able to afford your goods and services.

Right-to-work-is-wrong is wrong for Ohio. Wrong for working and middle-class families. Wrong for all of us.

From: SPAN Ohio

Subject: HR 676 Reintroduced!

HR 676 Reintroduced!

Congressman **John Conyers** of Michigan has reintroduced HR 676, the Expanded and Improved Medicare for All Act. We are pleased to see three Ohio members of

Congress represented in the 51 original sponsors: Rep. Marcy Kaptur, Rep. Joyce Beatty and Rep. Tim Ryan. If these are your representatives in Congress, do take the time to thank them. Congressional staffers don't get a lot of calls like that and you just might make their day.

Where's Marcia?

The three co-sponsors of the bill are all Democrats, but they don't make up the entire Democratic delegation from Ohio. Missing is **Marcia Fudge**. Marcia has been missing for quite some time now. She was a co-sponsor prior to the enactment of the ACA but dropped out when the ACA was passed. Now is the time for Marcia to return to the fold, but she needs some encouragement.

If you are a constituent of Marcia Fudge's, please let her know that you want her to co-sponsor this bill. The number for her Washington DC office is 202-225-7032.

Other Members of Congress

Should you call your Republican member of Congress about HR 676? Absolutely! Whether they support it or not, they need to hear from you. One of the reasons we don't have bipartisan support is because we shy away from contacting them. They need to know where you stand on the issues as well. Be inclusive of them and always work to lead them in the right direction. **Call the switchboard at 202-224-3121** and tell them who your representative is. If you don't know, they'll figure it out for you!

Toll Free Numbers for Congress

We've been asked to provide a toll-free number for members of Congress. Unfortunately, unless the individual member of Congress provides a toll-free number, there is no specific toll free number for contacting members of Congress. Occasionally, you will see a toll-free number and it will work, for a time. Those numbers are sponsored by organizations that are conducting a specific campaign and the numbers are good for the duration of the campaign, but afterward go away. We hesitate to provide the one recently given to us because it may no longer be any good.

SPAN Action

SPAN Activists were busy in the past two weeks making presentations at almost all of the January 15th actions as well as those last weekend. Many thanks for those who represented SPAN so well in Dayton, Cincinnati, Toledo, Cleveland, Kent, Columbus and Athens.

State Council Meeting

SPAN State Council will meet on **February 4th at the Unitarian Church in Columbus**, 93 W. Weisheimer Road. The meeting will start at 10:00 am and go to 1:00 pm. At that time, there will be a short break to get some lunch followed by a workshop from 1:30 pm to 2:30 pm on Effective Messaging. Those wishing to participate are encouraged to read George Lakoff's "Don't Think of an Elephant," but

there is no requirement.

All are welcome to attend both the meeting and the workshop.

Save the Date – State Conference on April 29th!

The annual SPAN State Conference will take place on **April 29th at the Quest Business and Conference Center**, 8405 Pulsar Place, Columbus. We have a very exciting program for you, leading off with Greg Coleridge on the corporate takeover of healthcare – is it a symptom of a sick healthcare system or a sick democracy?

Registration will be opening soon. In an effort to cut costs, we will only mail registration forms to those without email addresses. Those with an email address will receive instructions on how to download the registration form from our website. Watch for the email announcing it!

From: Sang Kang

Subject: The 5 Jobs Robots Will Take First

[https://www.linkedin.com/pulse/5-jobs-robots-take-first-shelly-palmer?trk=eml-email feed ecosystem digest 01-hero-0-null&midToken=AQHKfUzjAibcA&fromEmail=fromEmail&ut=1n9EYbG01pw7E1](https://www.linkedin.com/pulse/5-jobs-robots-take-first-shelly-palmer?trk=eml-email%20feed%20ecosystem%20digest%2001-hero-0-null&midToken=AQHKfUzjAibcA&fromEmail=fromEmail&ut=1n9EYbG01pw7E1)

From: Andrew Tierman

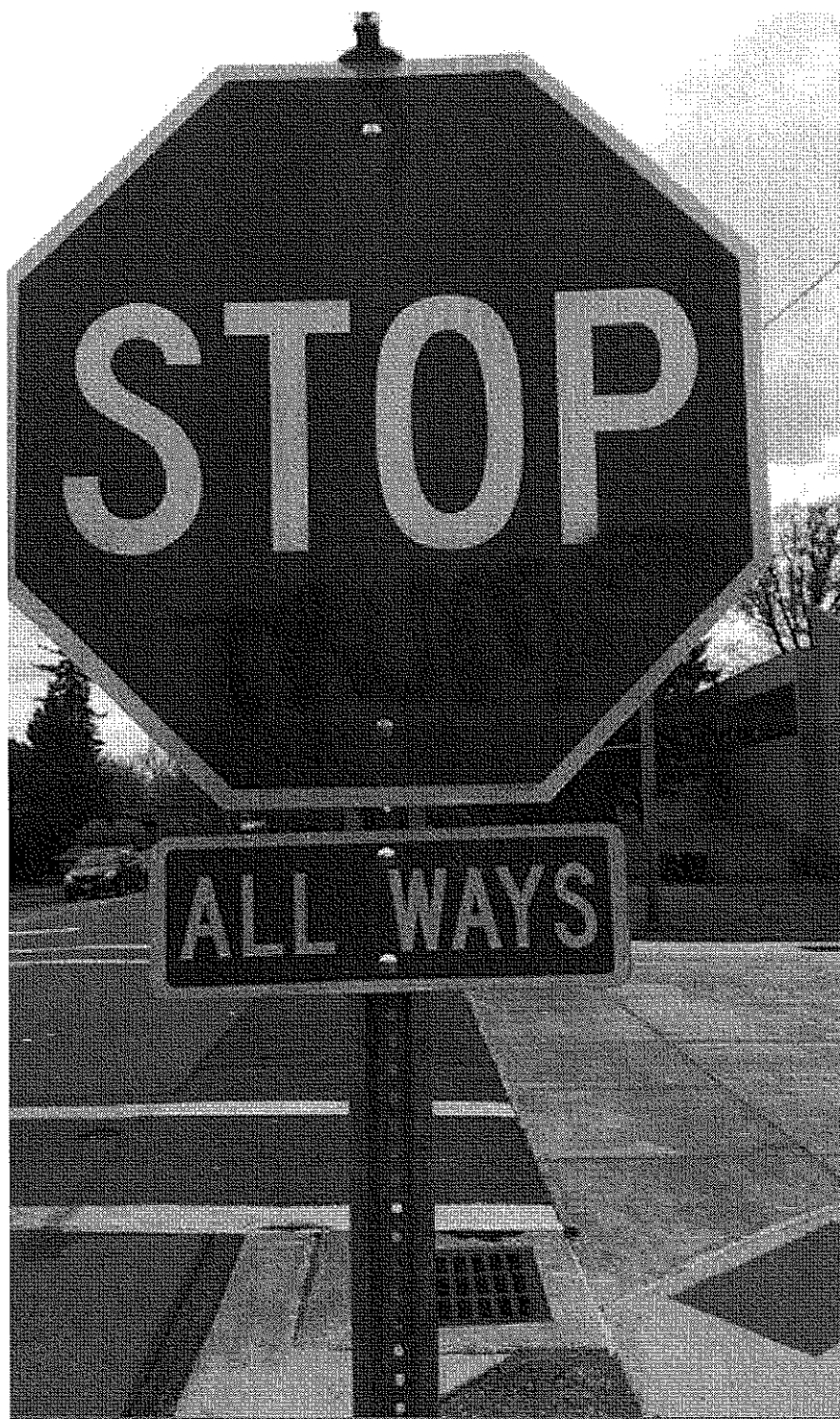
Subject: what do you think this is??

?white power hand signals broadcast from white house?!

http://www.dailykos.com/stories/2017/2/21/1636419/-Yes-Trump-s-Aide-Really-Did-Throw-White-Power-Sign?detail=email&link_id=1&can_id=bcc3c8fa6fec6bd434303fbc1c0639be&source=email-yes-trumps-aide-really-did-throw-white-power-sign-4&email_referrer=yes-trumps-aide-really-did-throw-white-power-sign-4&email_subject=yes-trumps-aide-really-did-throw-white-power-sign

From: Larry

Subject: Stop Trump All Ways



From: tbacane

Subject: FW: MUST VIEW: Bernie Sanders' BRILLIANT Response To Trump's Speech To Congress

Senator Sanders is absolutely right and hopefully more senators of both parties will begin to speak out against Trump and his lies and double speak. Please share the Senator's response with your contacts.

Bernie Sanders' BRILLIANT Response To Trump's Speech To Congress - YouTube (or <https://youtu.be/8eK-5ivYb3o>)

Bernie Sanders isn't buying what Donald Trump is selling. In his response to the President's first speech before Congress, Sanders calls out Trump for going back on his campaign promises, lying about corporate tax rates, and continues his push for a single-payer healthcare system.

Reflect this video on your Facebook: <http://tinyurl.com/gsolq4w>
Reflect this video on your Twitter: <http://tinyurl.com/h59e7ap>

Reflect on Facebook <http://on.fb.me/1Oi1dbH>
Reflect on Twitter <http://twitter.com/ReflectorVideo>

Ralph Nader on Trump's Speech to Congress - YouTube
<https://www.youtube.com/watch?v=ECECWTW6VTw>

Ralph Nader tells Paul Jay that Trump's attack on the EPA and regulatory agencies will be a disaste

From: LinkedIn

Subject: Years into Obamacare, health insurance is still a prime reason people hold on to their jobs — LinkedIn survey

**Years into Obamacare, health insurance is still a prime
reason
people hold on to their jobs — LinkedIn survey**

Beth Kutscher, News Editor - Healthcare at LinkedIn

From: Jeanette Senecal; League of Women Voters

Subject: TAKE ACTION: Protect and Defend our Voting Rights

Together, through our votes, we take control over what happens to our families and communities.

But voting rights across the country are under attack – **join with fellow voters and pledge to honor and protect our constitutional right to vote.**

Voting brings us together as Americans – *it is the one time when we are all equal*. It doesn't matter if you're rich or poor, young or old, liberal or conservative; elections are our opportunity to have a say in America's future. A lot is at stake in every election – by voting, we're taking control and impacting the issues and policies that will be debated and affect our daily lives.

It is critical that we ensure every American can cast a vote and have it counted. **Our democracy's future is on the line – pledge to protect voting rights.**

Rooted in the movement that secured the right to vote for women, the League of Women Voters has always been committed to registering and turning out voters, and *we're not stopping now*. We protect and defend voting rights across the country in order to ensure that our elections are fair, free and accessible to all eligible citizens. We've helped defeat laws that restrict voters' rights, block such laws where they have already passed, and fight laws designed to curb organizations like ours from registering voters.

Ultimately elections are about voters like you. **Join us in protecting voting rights and safeguarding this right for all Americans.**


From: Eric Kramer

Subject: Robert Mercer - the greatest threat to American Democracy living today

https://www.theguardian.com/politics/2017/feb/26/robert-mercero-breitbart-war-on-media-steve-bannon-donald-trump-nigel-farage?CMP=share_btn_fb

From: Granate Sosnoff; Communications Strategist, Jewish Voice for Peace

Subject: WINNABLE: Getting Bannon off the NSC





Be like these JVP members at the Women's March in Washington. Resist Bannon and his agenda.

[SIGN ON HERE](#)

What is JVP doing to fight Trump?

For one thing, we're fighting Steve Bannon: the white supremacist, antisemitic, Islamophobe behind the many-headed hydra of Trump's Executive Orders.

Will you help us show up strong as the only explicitly pro-Palestinian human rights group on this new roster of progressives fighting this neo-Nazi?

If you're like me you probably feel overwhelmed right now. It's hard to find a fighting stance when you're getting hit with a Muslim travel ban, deportations of immigrants, a surge in hate crimes, desecration of a Jewish cemetery in St. Louis, and the heartbreak of Standing Rock.

There are indeed "dark" forces at work, and chief among them is white-supremacist Steve Bannon. We need to get him kicked off the National Security Council.

Bannon has said things like: "Darkness is good. Dick Cheney. Darth Vader. Satan. That's power."

So is there a glimmer of hope, an opening to get at Bannon?

YES. By appointing Bannon to the National Security Council Trump himself created a way for us to curb Bannon's power. ***Congress has the power to kick Bannon off the NSC - and we can make them do that.***

Sign on TODAY — tell Congress to use its authority to kick Steve Bannon off the National Security Council!

We've joined with a powerful group of progressive organizations including ColorOfChange, Courage Campaign, Greenpeace, and MPower Change. It will take a large-tent partnership to take him on - and the fact that our logo is in there says a lot about our changing times.

We need to charge head on as a united front so Congress hears from as many of us as possible. Congress created the National Security Council and has the power to regulate it.

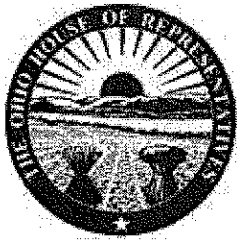
Let's make them sure they fight back. Join the 400,000 people who have already asked Congress to stand up to Steve Bannon and protect our democracy.

This is a fight we can win. Join me so we can.

1. <http://www.hollywoodreporter.com/news/steve-bannon-trump-tower-interview-trumps-strategist-plots-new-political-movement-948747>

End of MPEN e-Newsletter

From: Rep07
Sent: Tuesday, March 7, 2017 10:45 AM
To: 'egoldbach10@jcu.edu'
Subject: In response to your concern



THOMAS F. PATTON
MAJORITY WHIP
7TH HOUSE DISTRICT

Dear Eliese,

Thank you for your letter regarding Right to Work legislation in Ohio. I always enjoy receiving thoughts and opinions on a wide range of topics from my constituents, and I appreciate you taking the time to share your concerns with me on this important matter.

I certainly understand and share your disquiet over the Workplace Freedom bills introduced in the Ohio House of Representatives. I can offer you my personal assurance that I am 100% against Right to Work, both as a principle and a policy. As a current union president, I strongly believe that the Right to Work (for less) would be extremely detrimental to both our hard-working union workers and many equally dedicated non-union employees across the state.

I fought against Senate Bill 5 when it was considered by the legislature and I have fought against Right to Work legislation as well. Please rest assured that I will do everything in my power to ensure that Ohio remains a state that enjoys fair, safe employment for all Ohioans.

Thank you again for your message. If you have any questions or concerns about this or any other issue, please do not hesitate to contact my office.

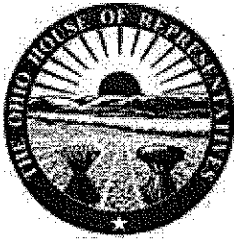
Sincerely,

A handwritten signature in black ink, appearing to read "Thomas F. Patton".

Thomas F. Patton
Majority Whip

7th House District

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Sent: Tuesday, March 7, 2017 10:45 AM
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Thomas F. Patton
Majority Whip

7th House District

From: Public Policy Law360
Sent: Wednesday, March 8, 2017 4:47 AM
To: Rep07
Subject: GOP Leaders Defend ACA Repeal Bill Amid Backlash



Wednesday, March 8, 2017



TOP NEWS

GOP Leaders Defend ACA Repeal Bill Amid Backlash

Amid criticism from both within their party and across the aisle, Republican leaders defended their plans to repeal the Affordable Care Act Tuesday, a day after revealing a plan backed by President Donald Trump.

Trump Taps Ex-Jones Day Partner For Solicitor General Post

President Donald Trump on Tuesday announced his intent to nominate Noel Francisco, until recently a Jones Day partner and currently the acting solicitor general, to serve as the next U.S. solicitor general, confirming rumors that have swirled for weeks about his possible appointment.

Kirkland Attorneys Land White House Legal Posts

Several former Kirkland & Ellis LLP attorneys nabbed legal jobs in President Donald Trump's administration as the White House on Tuesday officially announced the latest batch of additions to the president's counsel office.

DAG Hopeful Resists Queries On Trump-Russia Investigator

LAW FIRMS

Arent Fox
Baker McKenzie
Bangs McCullen
Best Best
Boies Schiller
Brann & Isaacson
Brownstein Hyatt
Cleary Gottlieb
Clifford Chance
Covington & Burling
Cravath Swaine
Davis Polk
Debevoise & Plimpton
Dewey & LeBoeuf
Donohue Brown
Earthjustice
Epstein Becker Green
Eversheds Sutherland
Frost Brown Todd
Gibson Dunn
Goldstein & Russell
Goodwin
Greenberg Traurig
Haynes and Boone
Hogan Lovells

The nominee for U.S. deputy attorney general, Rod Rosenstein, resisted calls to commit to assigning a special prosecutor to look into the Trump administration's contacts with Russian officials, saying at his confirmation hearing Tuesday that he will think about it once on the job.

Analysis

3 Employer Takeaways From The ACA Repeal Proposal

Congressional Republicans on Monday unveiled their long-awaited plan to repeal and replace the Affordable Care Act, a proposal that would change the legal landscape for large businesses by scrapping the requirement to provide health coverage to employees or face penalties. Here, experts identify three takeaways for employers from the proposed worker health care overhaul.

Dems Blast Gorsuch's Record On Workers, Disability Rights

Senate Democrats on Tuesday pounced on Judge Neil Gorsuch's decision in a disability rights case involving a cancer-stricken college professor to paint the judge as an "ultraconservative" unfit for the Supreme Court, trying to foment opposition to his nomination ahead of confirmation hearings taking place later this month.

Analysis

House Bill Could Inject Med Mal Reforms Into ACA Fight

A federal bill to cap noneconomic damages in medical malpractice cases would be a game changer, but its passage faces obstacles that make success unlikely, according to experts, some of whom say the bill's true purpose is for inclusion in the broader package to repeal the Affordable Care Act.

Hawaii Becomes 1st State To Challenge New Immigration Ban

The state of Hawaii, aided by a litigation team from Hogan Lovells, appears to be the first state

Holland & Knight
Hunton & Williams
Jackson Lewis
Jenner & Block
Jones Day
Kennerly Loutey
Kilpatrick Townsend
King & Spalding
Kirkland & Ellis
LeClairRyan
Linklaters
Manko Gold
Marashlian & Donahue
Morgan Lewis
Morrison & Foerster
Morvillo Abramowitz
O'Melveny & Myers
Paul Hastings
Perkins Coie
Pillsbury Winthrop
Priddy Cutler
Pryor Cashman
Reed Smith
Ropes & Gray
Segal Roitman
Seward & Kissel
Skadden
Slaughter and May
Sullivan & Cromwell
Weiner Brodsky
Williams & Connolly
Zuckert Scoutt

COMPANIES

Air Line Pilots Association
International
Alliance of Automobile
Manufacturers
America's Health Insurance Plans

to challenge President Donald Trump's revised executive order banning people from six Muslim-majority countries from entering the United States, telling a Hawaii federal court it plans to file a temporary restraining order along with an updated complaint.

Congress Passes NASA Reform, Reauthorization Bill

Congress passed a reform and reauthorization bill Tuesday for NASA, sending a measure to President Donald Trump that includes support for an eventual Mars mission and the International Space Station.

Analysis

New Model Regs For Taxing Services May Lead To Lawsuits

The Multistate Tax Commission's new model regulations for determining how businesses should apportion their income to different states has raised constitutional concerns among tax practitioners who say the recommendations, if adopted, could lead to conflicts between states and service providers.

BANKING & SECURITIES

DC Circ. Rejects Motions To Intervene In CFPB Litigation

The D.C. Circuit on Tuesday denied bids by both backers of the Consumer Financial Protection Bureau, including Democratic members of Congress and state attorneys general, and bureau opponents to involve themselves in a high-stakes appeal of a ruling that could alter the bureau's leadership structure.

ENERGY & ENVIRONMENTAL

Congress' Axing Of BLM Planning Rule Sent Along To Trump

The Senate on Tuesday passed its most recent in a series of resolutions targeting late rules from former President Barack Obama's

American College of Physicians
American Federation of Labor and Congress of Industrial Organizations
American Health Care Association
American Hospital Association
American Medical Association Inc.
Association of American Medical Colleges
CSX Corporation
Centene Corporation
Competitive Carriers Association
Consumer Reports
Cray Inc
Ford Motor Company
Grant Thornton LLP
Immigration Reform Law Institute
International Brotherhood of Electrical Workers
International Brotherhood of Teamsters
King Pharmaceuticals Inc.
LexisNexis Group
Major League Baseball Inc.
Miami Marlins
National Association of Broadcasters
National Association of Insurance Commissioners
National Conference of State Legislatures
National Congress of American Indians
Newegg Inc.
Overstock.com Inc.
PHH Corporation
Pacific Legal Foundation
Pfizer Inc.
Pharmaceutical Care Management Association

administration, this one aimed at undoing the Bureau of Land Management's new land-planning regime, and sent it to President Donald Trump for his signature.

Senate Dems Ask EPA To Keep Vehicle Emissions Standards

A group of 12 Senate Democrats wrote a letter to U.S. Environmental Protection Agency Administrator Scott Pruitt on Tuesday in support of keeping emission standards for light-duty vehicles, arguing the rules should stay in place to help the environment and reduce dependency on foreign oil.

Fishermen Challenge Obama's Atlantic Marine Monument

A coalition of New England fishermen organizations on Tuesday sued the federal government over former President Barack Obama's designation of an oceanic national monument that they say will harm commercial fishing in the area.

EPA Can't Ignore Mercury Rule Mistakes, DC Circ. Told

Environmentalists and electric industry groups on Monday took their final swings at the U.S. Environmental Protection Agency's mercury rule for coal-fired power plants in the D.C. Circuit, insisting the agency wrongly rejected their bids to alter the rule.

HEALTH & LIFE SCIENCES

Epic Backlash Greet's ACA Repeal Plan

House Republicans on Tuesday encountered swift and sweeping resistance to their Affordable Care Act repeal plan, with powerful industry groups and diverse conservative voices expressing opposition.

Clearing Medicare Backlog Quickly Is Impossible, HHS Says

The U.S. Department of Health and Human Services won't be able to meet a court-imposed

Reed Elsevier
S&P Global Inc.
Samsung Electronics Co. Ltd.
Southern California Edison
Texas Rangers
Twitter Inc.
U.S. Chamber of Commerce
Uber Technologies Inc.
United States Steel Corporation
Verizon Communications
Wayfair LLC

GOVERNMENT AGENCIES

Agua Caliente Band of Cahuilla Indians
Bureau of Indian Affairs
Bureau of Labor Statistics
Bureau of Land Management
California Department of Insurance
California Environmental Protection Agency
Central Intelligence Agency
Cherokee Nation
Congressional Budget Office
Consumer Financial Protection Bureau
Executive Office for Immigration Review
Executive Office of the President
Federal Aviation Administration
Federal Communications Commission
Florida House of Representatives
Indian Health Service
Internal Revenue Service
National Aeronautics and Space Administration
National Highway Traffic Safety Administration

deadline to clear a backlog of Medicare billing appeals unless it settles the claims without actually seeing if they have merit, the agency told a D.C. federal court Monday.

Trump's Rule To Stabilize ACA Draws Praise, Warnings

The Trump administration on Tuesday heard vastly different perspectives on its ideas for stabilizing Affordable Care Act marketplaces, with consumers, insurers and regulators diverging on proposals for restricting enrollment and easing network oversight.

MEDIA & ENTERTAINMENT

MLB Execs Testify As Ballplayer Smuggling Trial Continues

An agent and a trainer accused of helping smuggle Cuban ballplayers to the United States commenced their defense Tuesday by calling Texas Rangers General Manager Jon Daniels and other baseball executives to testify at their federal trial in Miami after the judge rejected their motions for acquittal.

Fla. Court Declares State Lottery Contract Void

A Florida judge handed the leader of the state's House of Representatives a win Tuesday by declaring the state lottery department's 14-year contract for ticket vending machines void because the department did not get legislative approval first.

TRANSPORTATION & INFRASTRUCTURE

Norwegian Air Can Intervene In DC Circ. Air Permit Row

Norwegian Air Shuttle ASA's Irish subsidiary can intervene in a suit brought by a coalition of pilots and flight attendants unions challenging the U.S. Department of Transportation's controversial decision to grant the airline a

National Labor Relations Board

National Railroad Passenger Corporation

National Security Council

Office of the Director of National Intelligence

Pascua Yaqui Tribe

Securities and Exchange Commission

South Dakota Department of Revenue

Tennessee Legislature

Transportation Security Administration

U.S. Attorney's Office

U.S. Department of Defense

U.S. Department of Energy

U.S. Department of Health and Human Services

U.S. Department of Homeland Security

U.S. Department of Housing and Urban Development

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of Transportation

U.S. Department of the Interior

U.S. Environmental Protection Agency

U.S. House of Representatives

U.S. Office of Personnel Management

U.S. Railroad Retirement Board

U.S. Senate

U.S. Supreme Court

foreign air carrier permit, the D.C. Circuit has decided.

DC Circ. Asked To Halt Santa Monica Runway Reduction

General aviation groups asked the D.C. Circuit on Monday to halt Santa Monica's plans to shorten its airport runway to shut out jets as allowed under the California city's approved plan to close the airfield by 2029, a pact with the Federal Aviation Administration that airport proponents argue is legally invalid.

Unions Slam Railroads' Bid To Preempt Mass. Sick Leave Law

A group of labor unions that represent railway workers told the First Circuit on Monday that a lower court wrongly deemed a Massachusetts paid sick leave law to be preempted by federal law, as the latter was designed to preempt only laws that would duplicate longer-term disability benefits.

EMPLOYMENT

6th Circ. Denies Rehearing On County's Right-To-Work Law

The Sixth Circuit on Monday declined to revisit as a full body a November panel ruling that a Kentucky county's right-to-work ordinance is allowed by the National Labor Relations Act, leaving the door open for local governments to enact such measures where no statewide law exists.

PRIVACY & CONSUMER PROTECTION

Gretchen Carlson, Dems Push Bids To Ax Forced Arbitration

Former Fox News anchor Gretchen Carlson and a group of Democratic lawmakers pitched legislation that would keep mandatory arbitration clauses out of employment and other consumer contracts, saying at a news

conference Tuesday that arbitration protects corporations from facing their ills.

INTERNATIONAL TRADE

Senate Panel Will Examine US Trade Rep Nominee Next Week

The Senate Finance Committee on Tuesday announced that it will hold a hearing on March 14 to consider the nomination of Skadden Arps Slate Meagher & Flom LLP trade attorney Robert Lighthizer to serve as the next U.S. trade representative.

TAX

SD Sales Tax Law Edges Closer To Hearing In Top Court

A South Dakota law imposing sales taxes on certain out-of-state retailers inched closer to the Supreme Court on Tuesday when a state circuit court tossed a lawsuit to compel online retailers to pay the tax, finding the suit fails as a matter of law.

Pa. Auditor Says Marijuana Can Help Close Budget Shortfall

Pennsylvania's auditor general called for the full legalization, and taxation, of marijuana Monday as a way to tackle the state's projected \$3 billion budget shortfall and to address the social and fiscal costs of policing the drug and pursuing criminal charges against users.

Water Agency Can't Revive Challenge To Tribal-Land Tax Rule

The Ninth Circuit held Tuesday that a California water agency was not injured by a federal regulation it argued might keep it from collecting certain taxes and fees from non-Indians who lease reservation lands, affirming the toss of the agency's challenge.

IMMIGRATION

Trump's Hiring Freeze Doesn't Touch Immigration Judges

President Donald Trump's recent federal employee hiring freeze does not affect federal immigration judges, the Executive Office for Immigration Review has said, marking the latest clarification on how the president's budget-cutting agenda will be implemented.

Immigration Group Wants In On Visa Rule Challenge Suit

An advocacy group for high-skilled immigrants has asked to intervene in an appeal at the D.C. Circuit brought by Save Jobs USA over a decision upholding a new rule that would allow spouses of certain H-1B workers to apply for employment authorization, saying the rule was validly implemented but may no longer be defended by the federal government under President Trump.

NATIVE AMERICAN

Tenn. Judge Nixes Native Groups' Suit Over State Recognition

A Tennessee federal judge on Monday tossed a suit by three Native American groups claiming the state violated their constitutional rights by reneging on a state commission's decision to recognize them as tribes, saying Tennessee hadn't waived its Eleventh Amendment immunity to those claims.

TELECOMMUNICATIONS

Trump Renominates FCC's Pai To Continue As Chairman

President Donald Trump has nominated Federal Communications Commission Chairman Ajit Pai to a second term at the agency, the commission announced on Tuesday.

Analysis

FCC's Robocall Plan To Benefit From Rare Bipartisanship

Federal Communications Commission Chairman Ajit Pai's planned proposal to expand the tools for combating illegal robocalls builds from a President Barack Obama-era initiative, and experts say it's expected to gain rare agreement across party lines and between government and industry.

Broadcasters Ask FCC To Make Post-Auction Deadline Flexible

The National Association of Broadcasters has urged the Federal Communications Commission to make its timeline for repacking broadcasters after the incentive auction flexible, saying viewers could be at risk of losing service.

EXPERT ANALYSIS

Shining A Light On GOP Plan For Health Care Reform

Since the election of President Trump and Republican majorities in the House and the Senate, there has been a strong push to repeal and replace the Affordable Care Act. However, there has been little detail as to what "repeal" or "replace" actually mean. Recent developments provide some clarity, say members of Debevoise & Plimpton LLP.

The Need To Preserve And Expand Tribal VAWA Jurisdiction

Given the new administration's penchant for rolling back progressive civil rights and social justice victories achieved under the Obama administration, the fight to reauthorize the Violence Against Women Act looms large. VAWA provides crucial protection for Native American women, who are victims of violent crime more than any other demographic, primarily at the hands of non-Natives, says Becky Howlett of Kilpatrick Townsend & Stockton LLP.

NY Employers Can't Avoid Overtime And Minimum Wage Regs

When a district court judge in Texas enjoined the U.S. Department of Labor's federal overtime rule last year many employers breathed a sigh of relief. However, there are many states, like New York, that have expressed a real intent to fill the void and make sure that labor protections continue, say Joshua Zuckerberg and LaKeisha Caton of Pryor Cashman LLP.

LEGAL INDUSTRY

Largest Firms' Rates Pull Further Ahead Of The Pack

The split is growing between partner billing rates at the largest law firms and the lower tiers, even at other relatively large firms, a report based on 2016 billing data has found.

Morgan Lewis Launches Remote-Work Option For Associates

Morgan Lewis & Bockius LLP on Tuesday announced a formal remote-working program for associates.

Ex-BigLaw Atty's Pfizer Tip Shared Among Friends, Jury Told

The trial of a former Hunton & Williams patent partner who allegedly leaked inside information about a Pfizer deal continued Tuesday as a cooperating witness who pled guilty to trading on the intel told jurors the details about how the tip ended up in his hands — and how it was eventually discovered.

Dewey Star Cooperator Set To Take Stand At Fraud Retrial

The former director of finance at Dewey & LeBoeuf LLP and star cooperating witness for the government is due to take the witness stand Thursday in the retrial of two top Dewey executives accused of running a massive accounting fraud scheme at the firm.

Cleary Gottlieb Raises UK First-Year Pay To £120K